



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 19, 2007

Date of Meeting: May 15, 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 5:38 p.m. on Tuesday, May 15, 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	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Vice Mayor, Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

None

Staff Members Present:

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Sister Lupita, Benedictine Monastery, after which the Pledge of Allegiance was led by the Sahuaro Girl Scout Junior Troop 1352.

Presentations:

- a. Mayor Walkup presented certificates to Coach Robby Adamson and the Catalina Foothills High School Chess Team for winning the 2007 National Championship.
- b. Mayor Walkup proclaimed the third Saturday of November of each year to be "Play Day." Fred Gray, Parks and Recreation Department Director, accepted the proclamation.
- c. Mayor Walkup proclaimed May 20 to May 26, 2007, to be "Public Works Week." Jim Glock, Transportation Department Director, accepted the proclamation.
- d. Mayor Walkup presented three American Public Works Association Accreditation Awards to the Department of Transportation. The department received the 2006 Project of the Year Award (under \$10 million) for the Stone Avenue, First Street to Tenth Street project, the 2006 Operation Leaders of the Year Award went to the Staff of Tucson Pavement Management Section and the Residential Pavement Sustainability Project, and Jeri Ward, Management Analyst, received the 2006 Administrative Support Person of the Year Award.

Roger W. Randolph, Chief Deputy City Clerk, announced Susie Rogers 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 269, dated May 15, 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. Council Member West reported two hundred fourth and fifth graders with the assistance of their teacher, Judy Darcy, and artist Raul Leon, created a mural at Henry Elementary School. Council Member West spoke about the Vista Del Saguaro Youth Enrichment and Employment program, and noted that at a recent award ceremony she was presented with a quilt they created for her. Council Member West also noted that sadly, a young girl from the Vista Del Saguaro neighborhood, who was at the ceremony, died in a traffic accident later that evening.

- b. Council Member Uhlich announced that Habitat for Humanity and General Growth Properties had matched the seven thousand five hundred dollars currently in the Affordable Housing Trust Fund, bringing the total to fifteen thousand dollars and challenged other community members and businesses to continue to match the funds in the account until the goal of three to five million was reached.
- c. Council Member Leal suggested that Channel 12 should have a running tally of contributions to the Affordable Housing Trust Fund.
- d. Council Member Trasoff stated that in the June 2007 *Esquire Magazine*, Hotel Congress was named one of the ten best bars in the country. Council Member Trasoff announced the Ward 6 Office would be hosting a reception on May 21, 2007, for an Exhibition of Photography and Writing by Catalina Magnet High School students, on how it felt to be an immigrant teenager in Tucson. Council Member Trasoff also announced the birth of her second grandson.
- e. Mayor Walkup congratulated Council Member Trasoff on her birthday.

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

Mayor Walkup announced City Manager’s communication number 270, dated May 15, 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.

There was no report.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager’s communication number 261, dated May 15, 2007, 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 Application(s)

New License(s)

- 1. Bum Steer, Ward 3
 1910 N. Stone Ave.
 Applicant: Heiko Henning Willhelm Langrehr
 Series 12, City 23-07
 Action must be taken by: May 21, 2007
 Tucson Police Department has indicated the applicant is not in compliance with city requirements.
 Public Opinion: Written Arguments Opposed Filed
 (CONTINUED FROM MAYOR AND COUNCIL MEETING OF
 MAY 1, 2007)
 Considered Separately.

2. Doubletree Hotel, Ward 6
445 S. Alvernon Way
Applicant: Michael James Hanson
Series 11, City 25-07
Action must be taken by: May 26, 2007
Staff has indicated the applicant is in compliance with city requirements.

3. 7-Eleven #21814C, Ward 5
885 E. 22nd St.
Applicant: Ajay Gupta
Series 10, City 26-07
Action must be taken by: June 3, 2007
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Written Argument Opposed Filed
Considered Separately.

Person Transfer(s)

4. Danny's Baboquivari Lounge, Ward 3
2910 E. Ft. Lowell Rd.
Applicant: Erik James Hulten
Series 6, City 27-07
Action must be taken by: June 9, 2007
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event(s)

NOTE: There were no applications for Special Events scheduled for this meeting.

d. Agent Change/Acquisition of Control

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

It was moved by Vice Mayor Scott, duly seconded, to forward liquor license applications 5b2 and 5b4 to the Arizona State Liquor Board with a recommendation for approval.

Mayor Walkup asked for a roll call vote on the motion.

Upon roll call, the results were:

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

Nay: None

The motion passed by a roll call vote of 7 to 0

5. LIQUOR LICENSE APPLICATIONS

b. New License

1. Bum Steer, Ward 3
1910 N. Stone Ave.
Applicant: Heiko Henning Willhelm Langrehr
Series 12, City 23-07
Action must be taken by: May 21, 2007
Tucson Police Department has indicated the applicant is not in compliance with city requirements.
Public Opinion: Written Arguments Opposed Filed
(CONTINUED FROM MAYOR AND COUNCIL MEETING OF MAY 1, 2007)

Roger W. Randolph, Chief Deputy City Clerk, announced that the first item to be considered separately would be liquor license Item 5b1, Bum Steer, which was located in Ward 3.

Council Member Uhlich stated that they had a report from the Police Department indicating why they were not in compliance, but she wanted to offer the applicants the opportunity to make a brief statement and then she would like to hear from the Police Department.

Efrem Zachary Levit and Heiko Langrehr stated they were there to open a restaurant located at 1910 North Stone Avenue. He said a few years ago Jim Click purchased the name of a bank that had gone out of business and opened up a brand new bank under the same name to use its notoriety and recognition. That was the same process he and his business partner were using at their establishment. Nothing was the same, not the owners, not the managers, not the servers, and not the soda lines. During the process, two City police officers contacted them for phone interviews. They never met with anyone face to face. The outcome of those interviews was in a memorandum dated May 3, 2007, by Chief Richard Miranda. That memorandum discussed issues with the prior business, himself and his partner, Mr. Langrehr.

Mr. Levit stated that the first paragraph of the memorandum stated that in the past the police had to be summoned to alleviate problems on the premises, problems that were inherent with nightclubs. He said the officer was confused because they would not be operating a nightclub. Their mission statement was to provide "a family orientated fun restaurant appealing to many ages where families can participate with fun food, fun games, and fun entertainment." He said when they began the process they sent a skeletal menu, which was later revised to better reflect the family establishment they intended to open. That updated menu was not considered in the report when he mentioned the forty percent food sales requirement. The following paragraphs did not mention their establishment.

Mr. Levit stated that he grew up in Tucson and that he was invested and wanted to contribute to his community in a positive manner as a restaurateur. He said for the past six years he had been employed by a large bank selling insurance. His employer was one of the largest privately held personal lenders in Arizona. Due to his work, a Federal Bureau of Investigations background check was run on him approximately once a year. The banking and insurance industries found him to be a responsible risk and he thought the City of Tucson should as well. He said people make up communities like Tucson and not reports. America was built on the ability of people to live their dreams. He asked that they be allowed to live their dream to open this restaurant. He said that they should be evaluated by their performance and not by a report written by a person they had never met.

Heiko Langrehr added that the protestor had a disclaimer with the past operators and landlord. The protestor stated if the applicants paid twelve hundred and fifty dollars, he would withdraw his opposition by Tuesday night. Mr. Langrehr said he did not think that this was right. The protestor addressed the parking issues. Mr. Langrehr stated that the previous landlords lived in New York, but they lived in town, and they would help with any problems. They would keep the lot clean and post signs that people would be towed. They had spoken with the school and their other neighbors and there were no problems. They had been trying to do the right thing. They met with the Ward office in December. They wanted to understand the process. They did not understand why they were non-compliant with the Police Department. He asked what compliance was, what was the criteria. No one could tell them.

Mr. Langrehr said they had reached out to the neighborhood association and Council Member Uhlich's office on several occasions and they had been more than helpful. Her Chief of Staff had come to look at the changes that had been made to make it a family friendly environment. He said what had been written about him was a clerical error between the City and the State. The Police Department did not take the time to investigate the full truth. He said he did not go to court because he had a 104-degree fever and strep throat. The judge had no problem with that, but the Police Department did. He urged the City to come up with guidelines. He said the City Clerk's Office had been helpful and very nice, but they did not have guidelines either. The Police Officer did not return his phone calls. He asked what else they could do to win their approval.

Council Member Uhlich thanked the applicants for the time they spent with her staff to go through the process. She asked the Police Department to give their report.

Sergeant Stoutmeyer, Tucson Police Department indicated that he worked with the Vice Unit, which received the liquor license requests. The applicants had applied for a series twelve license. He said he wanted to be clear that he had never referred to the Bum Steer as a nightclub. It was a class twelve license that was possessed prior to the current gentlemen applying for a new license. He documented the fact that the last two years the business had been opened they had one hundred forty nine calls during that time. Those calls included one shooting, one stabbing, seventeen other assaults, and

there was a large fight that took place with about two to three hundred individuals. They used a lot of resources of the City. He said it those figures were not for the current applicant's business but it was the same clientele that they were looking to gather again at that location. The only menu that was submitted was with the original application and it was the same menu that the original Bum Steer used, with which they were unable to make the forty percent food sales requirement and were therefore forced to surrender their license.

Sergeant Stoutmeyer stated that when the two applicants were contacted by his officers they were both asked specifically if they had ever been arrested, cited, detained, indicted or summoned into court for any violation of any law or ordinance regardless of the disposition even if dismissed or expunged. They forgot to mention that Mr. Levit had a felony charge on his record along with several other misdemeanors. Mr. Langrehr had a misdemeanor suspended license that he failed to report. He had failed to show up to court and the judge issued a contempt of court order. A warrant was issued for his arrest and he was arrested. His license was still in suspended status. He said therefore he did not believe that either of the gentlemen were capable, qualified or reliable to possess the license. As far as the location, he said he did not believe it was in the best interest of the community.

It was moved by Council Member Uhlich, duly seconded, to forward liquor license application 5b1, to the Arizona State Liquor Board with a recommendation for denial.

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

Upon roll call, the results were:

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

Nay: None

The motion passed by a roll call vote of 7 to 0

5. LIQUOR LICENSE APPLICATIONS

b. New License

3. 7-Eleven #21814C, Ward 5
885 E. 22nd St.
Applicant: Ajay Gupta
Series 10, City 26-07
Action must be taken by: June 3, 2007
Staff has indicated the applicant is in compliance with city requirements.
Public Opinion: Written Argument Opposed Filed

Roger W. Randolph, Chief Deputy City Clerk, announced liquor license Item 5b3, 7-Eleven, was located in Ward 5.

Nicholas Guttilla, said he was the attorney for the applicant and also the agent on the 7-Eleven license that had been there since September 2005. This location had been owned by the 7-Eleven Corporation since 1979. It was a convenience market with a deli and had a series ten liquor license since 1979. There had been five changes from the corporation to the franchisee during that time. Up until a month ago, when Mr. Gupta applied for a series ten license, 7-Eleven operated it as a corporation. He stated he was the agent on all corporate licenses. Although it was a series ten license to sell beer and wine for off premises consumption, the liquor department would treat it as a new license and required both personal qualification and public convenience requirements to be met. If it were a series nine license, which was for all spirits for off premises consumption then they would only be discussing the personal qualifications of Mr. Gupta. If Mr. Gupta was not granted the series ten license, it would not eliminate the license at that location because 7-Eleven, with him as the agent, would continue to operate that store as they had in the past. If the Mayor and Council recommended approval and a license was issued to Mr. Gupta, he would not add a license to the location because the 7-Eleven license would be removed and the series ten license would take its place.

Mr. Guttilla stated he had researched this location previously and, at least in 2005, it was one of the least crime-ridden areas in the entire City as determined by City of Tucson statistics. All agencies of the City had said they were in compliance. 7-Eleven and Mr. Gupta had spent somewhere between one hundred and two hundred thousand dollars to improve the store. They put in digital cameras both inside and out that could be viewed from their own location. They carded everyone who wanted to buy alcohol. When he came before them in 2005, they promised not to sell budget singles and they were not being sold there. One of the other things they promised was to make sure that vagrants were not hanging around and they were still doing their best to ensure that. They had revamped the entire outside of the store. The cooler boxes were locked and electronically controlled by a switch at the checkout counter, so there could not be beer runs.

Mr. Guttilla said Mr. Gupta currently had a series nine liquor license at a 7-Eleven located at 1750 East Speedway. He had held the license for the past five years with only one violation for when a clerk sold liquor to a minor in 2004. Mr. Gupta had been operating the 22nd Street store for the past month and a half with no incidents. Traffic count at the store during 2005 was over fifty thousand cars. The same protests, from the same neighborhood associations, had been received during the 2005 license application process and he had learned that the store was not in their district. He stated that in 2005 they did have the support of the neighborhood associations for where the store was located. He intended to contact them again, but he said he had just been hired that day to facilitate the process.

Mr. Guttilla reiterated that he believed that Mr. Gupta was competent to hold the license and that the location was already licensed and that license would not go away. It would either be operated by the 7-Eleven Corporation or by Mr. Gupta. He asked that the Council recommend approval. He said in 2005 Council Member Leal indicated a problem with “man down” issues with the Fire Department, but he had been unable to get any verification on that. They had not had any problems with that in the past two years. The nearby park was separated by railroad tracks and a chain link fence. The neighborhood had four or five feeding stations but none were near the 7-Eleven. The store was close to government buildings and commercial properties. He said he believe Mr. Gupta had proven with his other store that he was capable of operating and holding this license.

Council Member Leal asked if any of the protestors from the neighborhood were present. There were none.

Council Member Leal stated that there were some imbedded issues in the community that needed to be repeated. They worked very hard to make a sustainable and livable community in Tucson and that involved a number of variables. One of the variables was the saturation of liquor licenses. He said it was true that the license would stay at the location, no matter what the Council did. However, that presupposed that the number that existed was not a problem in the first place. Adding another one would make a bad problem worse. There were twenty-five licenses in a one-mile radius. Anyone would be hard pressed to explain that this license was necessary to meet the issue of convenience for the community. They had worked hard in the area to encourage homeownership, had put park resources in for families to use parks, and the neighborhoods had worked together to protect each other and to bring the whole corridor up. Instead of Mr. Guttilla chiding the neighborhood that he thought was too far away, he should respect and appreciate their civic spirit in being willing to partner and care for people a few blocks away from them. Council Member Leal reiterated that twenty-five licenses in a one-mile radius were too many and had an injurious affect on the community.

It was moved by Council Member Leal, duly seconded, to forward liquor license application 5b3, to the Arizona State Liquor Board with a recommendation for denial.

Mr. Guttilla stated that the rule that the City and the liquor department follow with regard to the convenience and best interest of the community dealt with the series and number of license. He said he was looking at the statistics from the City and there were five number twelve licenses that did not allow off premise consumption.

Council Member Leal stated there were four number tens.

Mr. Guttilla added that with theirs it equaled five within a mile. He said that those were the licenses that they should consider for saturation. He said what he was hearing was that the City’s position was that five licenses in a mile were considered over saturated. He stated the statistics indicated that it was not a troubled area as far as crime

and when there was insulation between the park. He submitted the issue was the number ten license at the convenience store right across the street from the park, but he said he understood the motion and would have to live with it.

The motion to forward liquor license application 5b3, to the Arizona State Liquor Board with a recommendation for denial was passed by a voice vote of 7 to 0.

7. CONSENT AGENDA - ITEM U

(Note: This item was taken out of order.)

U. REAL PROPERTY: LEASE AGREEMENT AND ALLOCATION OF PROCEEDS FROM THE JUHAN PARK LAND SALE FOR THE ST. JOHN'S PARK DEVELOPMENT

1. Report from City Manager MAY15-07-289 WARD 1
2. Resolution No. 20669 relating to real property; authorizing and approving the lease of certain real property for the St. John the Evangelist Roman Catholic Parish, Tucson and the Dioceses of Tucson for St. John's Park; and declaring an emergency.

Mayor Walkup announced that at Council Member Ibarra's request and due to the high number of the public in attendance for Consent Agenda Item U, they would be pulling it forward for consideration. Following that they would have Call to the Audience and then they would complete the Consent Agenda.

Council Member Ibarra asked Dr. Basurto to come forward.

Dr. Leonard Basurto stated that the proposed park would be at the corner of 12th Avenue and Ajo Way. The closest park was two miles away. It was an area of high stress. This piece of property was like a dust bowl and filled with weeds but many residents were already using it. They had worked with many neighborhoods and local schools. They were all in support of a public park in this area. It was in line with the one percent for children and youth concept that the Council had supported in the past. Council Members Leal, Trasoff, Uhlich had come out in support with Council Member Ibarra in the lead. He encouraged the Council to approve and support the park. It would benefit all generations of the neighborhood.

Council Member Ibarra stated that it had been a true partnership with everyone working together to bring this park to the neighborhood.

It was moved by Council Ibarra, duly seconded, to pass and adopt Resolution 20669.

Roger W. Randolph, Chief Deputy City Clerk, announced there was an amendment to the lease to be read into the record. The item as distributed did not include the dates of the lease. Exhibit 1 to Resolution 20669 should read the lease would commence on May 15, 2007, and continued to May 15, 2032.

Council Member Ibarra stated it was his intention that the motion include the amendment.

Mayor Walkup asked for a roll call vote on the motion.

Upon roll call, the results were:

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

Nay: None

Resolution 20669, as amended, was declared passed and adopted by a roll call vote of 7 to 0.

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 items scheduled for a public hearing. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for thirty minutes.

- a. Jeff Berkholder spoke against materials that an immigrant rights group was distributing.
- b. William Dell spoke of the importance of art in the downtown area and requested that the Mayor and Council support downtown arts with funding and a process in which all could participate.
- c. Michael Toney spoke about the Bridges Planned Area Development and said he felt it would cause local businesses and the environment to suffer.
- d. Bishop Chicago spoke about a petition he was circulating regarding anti-discrimination.
- e. Joe Sweeney said he thought that illegal immigrants were living in Section 8 housing.
- f. Russ Dove said he felt bureaucracy was causing a lack of action by government agencies on the topic of immigration.

- g. Roy Warden spoke about a federal lawsuit he was filing.
- h. Robert Reus spoke about the upcoming elections and his plan to run for City Council.
- i. Thelema Hughes spoke about a letter being circulated downtown that she felt was discriminatory.
- j. Ruth Beeker, on behalf of the Neighborhood Infill Coalition and the Miramonte Neighborhood, spoke about real estate transactions and the need for a more transparent process and more outreach to neighbors on those items.

7. CONSENT AGENDA ITEMS - A THROUGH V

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: (S06-239) COLUMBUS COURT, A CONDOMINIUM, UNITS 1 TO 6, COMMON ELEMENTS "A", AND LIMITED COMMON ELEMENTS "1" AND "2"
 - 1. Report from City Manager MAY15-07-263 WARD 6
 - 2. Staff 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.

- B. FINAL PLAT: (S06-182) THE POST CONDOMINIUMS
 - 1. Report from City Manager MAY15-07-281 WARD 6
 - 2. Staff 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.

- C. FINANCE: SALE OF GENERAL OBLIGATION BONDS, SERIES 2000-F
 - 1. Report from City Manager MAY15-07-273 CITY-WIDE
 - 2. Ordinance No. 10389 relating to finance; authorizing the issuance and sale of City of Tucson, Arizona, General Obligation Bonds, Series 2000-F (2007), in the principal amount of \$13,325,000; providing for the sale thereof and the levy and collection of *Ad Valorem* taxes for the payment of

the principal of and interest on the Bonds; providing certain terms, covenants and conditions relating to the bonds; appointing a bond registrar, transfer agent and paying agent; authorizing the preparation and delivery of an official statement with respect to the bonds; ordering the sale of the bonds; authorizing the execution and delivery of a continuing disclosure undertaking with respect to the bonds; ratifying certain acts heretofore taken by city officials; and declaring an emergency.

D. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING JURORS TO TUCSON CITY COURT

1. Report from City Manager MAY15-07-272 CITY-WIDE
2. Resolution No. 20666 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment #01 to the Intergovernmental Agreement between the Pima County Superior Court and the Tucson City Court for providing jurors to the Tucson City Court; and declaring an emergency.

E. FINANCE: SALE OF WATER SYSTEM REVENUE BONDS, SERIES 2005-B

1. Report from City Manager MAY15-07-274 CITY-WIDE
2. Ordinance No. 10388 relating to finance; authorizing the issuance and sale of City of Tucson, Arizona, Water System Revenue Bonds, Series 2005-B (2007), in a principal amount not to exceed \$35,765,000; providing for the payment of principal and interest thereon; providing certain terms, covenants and conditions relating to the Series 2007 Bonds; appointing a bond registrar, transfer agent and paying agent for the Series 2007 Bonds; authorizing the preparation and delivery of an official statement with respect to the Series 2007 Bonds; ordering the sale of the Series 2007 Bonds; authorizing the execution and delivery of a continuing disclosure undertaking with respect to the Series 2007 Bonds; and declaring an emergency.

F. TUCSON CODE: AMENDING (CHAPTER 19) RELATING TO LIQUOR LICENSE FEES FOR CONTINUATION OF A RESTAURANT LICENSE

1. Report from City Manager MAY15-07-262 CITY-WIDE
2. Ordinance No. 10402 relating to liquor license applications; amending the Tucson Code, Chapter 19, License and Privilege Taxes, Article I, Occupational License Tax, Division 3, Liquor and Vending Machine License Tax, Sec. 19-53, Applications; and declaring an emergency.

- G. REAL PROPERTY: VACATION AND CONVEYANCE OF RIGHTS OF WAY LOCATED ON MISSOURI STREET, MINER STREET, AND STATE AVENUE TO THE DEVELOPER OF IRVINGTON PLACE SUBDIVISION
1. Report from City Manager MAY15-07-264 WARD 5
 2. Ordinance No. 10403 relating to real property; vacating and declaring City-owned rights-of-way located on Missouri Street, Miner Street and State Avenue in the Irvington Place subdivision to be surplus property; authorizing the conveyance thereof at no cost to the developer of Irvington Place subdivision pursuant to the Mayor and Council paper plat policy; and declaring an emergency.
- H. REAL PROPERTY: ACQUISITION OF PROPERTY FOR A REPLACEMENT POTABLE WATER SUPPLY WELL
1. Report from City Manager MAY15-07-265 OUTSIDE CITY
 2. Resolution No. 20661 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located adjacent to existing Wellsite Y-001A within the Continental Ranch area in Marana for a replacement potable water supply well; and declaring an emergency.
- I. REAL PROPERTY: ACQUISITION OF EASEMENTS FOR FIBER OPTIC COMMUNICATION LINE FROM HAYDEN-UDALL WATER TREATMENT PLANT TO OTHER WATER FACILITIES
1. Report from City Manager MAY15-07-266 OUTSIDE CITY
 2. Resolution No. 20662 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain easement in, over, under, and across real property from the Hayden-Udall Water Treatment Plant to other water facilities in the Avra Valley area for the installation of a fiber optic communication line; and declaring an emergency.
- J. ASSURANCE AGREEMENT: (S05-246) BARRIO OCHOA SUBDIVISION, LOTS 1 TO 5 AND COMMON AREA "A"
1. Report from City Manager MAY15-07-276 WARD 5
 2. Resolution No. 20665 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-246 of a final plat for the Barrio Ochoa Subdivision, Lots 1 to 5 and Common Area "A"; and declaring an emergency.

- K. FINAL PLAT: (S05-246) BARRIO OCHOA SUBDIVISION, LOTS 1 TO 5 AND COMMON AREA “A”
1. Report from City Manager MAY15-07-277 WARD 5
 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.
- L. ASSURANCE AGREEMENT: (S06-019) IRVINGTON PLACE SUBDIVISION (RCP), LOTS 1 TO 755, BLOCK A, B, AND C, AND COMMON AREAS “A”, “B”, “C”, “D”, AND “E”
1. Report from City Manager MAY15-07-282 WARD 5
 2. Resolution No. 20663 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. S06-019 of a final plat for Irvington Place Subdivision, Lots 1 to 755, an RCP Project Block A, B, & C and Common Areas “A” – “E”; and declaring an emergency.
- M. FINAL PLAT: (S06-019) IRVINGTON PLACE SUBDIVISION (RCP), LOTS 1 TO 755, BLOCK A, B, AND C, AND COMMON AREAS “A”, “B”, “C”, “D”, AND “E”
1. Report from City Manager MAY15-07-283 WARD 5
 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.
- N. ASSURANCE AGREEMENT: (S05-207) RILLITO CROSSING MARKET PLACE SUBDIVISION, LOTS 1 AND 2
1. Report from City Manager MAY15-07-278 WARD 3
 2. Resolution No. 20664 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-207 of a final plat for Rillito crossing Market Place Subdivision, Lots 1 and 2; and declaring an emergency.

- O. FINAL PLAT: (S05-207) RILLITO CROSSING MARKET PLACE SUBDIVISION, LOTS 1 AND 2
1. Report from City Manager MAY15-07-279 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.
- P. PUBLIC IMPROVEMENTS: PANTANO WASH, NORTH OF BROADWAY BOULEVARD DISTRICT BANK PROTECTION IMPROVEMENT (CONTINUED FROM THE MEETING OF APRIL 17, 2007)
1. Report from City Manager MAY15-07-260 WARD 2
 2. Resolution No. 20621 Resolution fixing the time when Mayor and Council of the City of Tucson will hear and pass upon the assessments and proceedings theretofore had and taken for the improvement known as the “Pantano Wash, North of Broadway Boulevard District Bank Protection Improvement” in the City of Tucson, Arizona.
- Q. PARKS AND RECREATION: APPROVAL OF AN AGREEMENT WITH FREEDOM LITTLE LEAGUE, INC., FOR NEW SCOREBOARDS AT FREEDOM PARK
1. Report from City Manager MAY15-07-285 WARD 5
 2. Resolution No. 20667 relating to real property; authorizing and approving a Facility Development and Use Agreement with Freedom Little League, Inc., for the development of new score boards at Freedom Park; and declaring an emergency.
- R. WATER: AMENDMENT TO THE 49ER WATER COMPANY PURCHASE AGREEMENT
1. Report from City Manager MAY15-07-286 OUTSIDE CITY
 2. Resolution No. 20668 relating to water; authorizing and approving a first Amendment to Agreement for Purchase of Certain Assets of 49er Water Company, Inc.; and declaring an emergency.

Roger W. Randolph, Chief Deputy City Clerk, announced an amendment to Consent Agenda Item R. The attachment labeled Exhibit A to Resolution 20668 should have been labeled Attachment A to Exhibit 1 to Resolution 20668.

S. TUCSON CODE: AMENDING (CHAPTER 28) THE PROCUREMENT CODE

1. Report from City Manager MAY15-07-284 CITY-WIDE AND OUTSIDE CITY
2. Ordinance No. 10404 relating to procurement; amending the Tucson Code, Chapter 28, in its entirety; and declaring an emergency.

T. APPROVAL OF MINUTES

1. Report from City Manager MAY15-07-288 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on April 4, 2007.

U. REAL PROPERTY: LEASE AGREEMENT AND ALLOCATION OF PROCEEDS FROM THE JUHAN PARK LAND SALE FOR THE ST. JOHN'S PARK DEVELOPMENT

1. Report from City Manager MAY15-07-289 WARD 1
2. Resolution No. 20669 relating to real property; authorizing and approving the lease of certain real property for the St. John the Evangelist Roman Catholic Parish, Tucson and the Dioceses of Tucson for St. John's Park; and declaring an emergency.

Note: Consent Agenda Item U was taken out of order and considered after Item 5.

V. MEMORIAL: URGING THE U.S. DEPARTMENT OF TRANSPORTATION FREIGHT STUDY STEERING COMMITTEE TO SELECT INTERSTATE 10 FROM FLORIDA TO CALIFORNIA AS A CRITICAL FREIGHT TRANSPORTATION CORRIDOR

1. Report from City Manager MAY15-07-287 CITY-WIDE
2. A Memorial relating to transportation; urging the Freight Study Steering Committee of the United States Department of Transportation to select Interstate 10 from Florida to California as a critical transportation corridor. Item V was considered separately at the request of Vice Mayor Scott.

Roger W. Randolph, Chief Deputy City Clerk, announced an amendment to Consent Agenda Item V, page two of the Memorial, paragraph four, line two should read United States Department of Transportation.

It was moved by Council Member Leal, duly seconded, that Consent Agenda Items A through T, with the exception of Item U which had already been considered and Item V 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, West, Uhlich, Leal, and Trasoff;
Vice Mayor Scott and Mayor Walkup

Nay: None

Consent Agenda Items A through T, with the exception of Item U which had already been considered and Item V which would be considered separately, were declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA - ITEM V

V. MEMORIAL: URGING THE U.S. DEPARTMENT OF TRANSPORTATION FREIGHT STUDY STEERING COMMITTEE TO SELECT INTERSTATE 10 FROM FLORIDA TO CALIFORNIA AS A CRITICAL FREIGHT TRANSPORTATION CORRIDOR

1. Report from City Manager MAY15-07-287 CITY-WIDE
2. A Memorial relating to transportation; urging the Freight Study Steering Committee of the United States Department of Transportation to select Interstate 10 from Florida to California as a critical transportation corridor.

Vice Mayor Scott said she requested this item be placed on the agenda so that Tucson could join with the other sixteen major metropolitan areas along Interstate 10, from Florida to California, supporting major improvements and expansion of the freight capacity of Interstate 10. These improvements were critical to the future of Tucson as a potential major cargo center consistent with what Mr. Levine had successfully pioneered in Ward 4. She thanked her colleagues and said she hoped they would be supportive. She said it was her understanding that the Pima County Board of Supervisors passed a similar resolution that morning. She said Joe Herrick was instrumental in bringing this item to her attention and invited him to say a few words.

Joe Herrick stated every six years the United States Congress authorized billions of dollars for transportation funding. Tucson had been the recipient of some of those dollars in the past. The next reauthorization bill was scheduled for 2009, although it

might be delayed a year or two. However, because federal funding mechanisms were shrinking as each year went by, the Department of Transportation was being forced to strategically spend money on which transportation systems they wanted to invest in for the future. The Interstate 10 corridor, from California to Florida, was in the running with one other east/west corridor, Interstate 80. There were also twelve north/south corridors. May 25, 2007, would be the last day for the Secretary of Transportation, Mary Peters, to accept applications for those corridors. After the deadline the Department of Transportation would pick three to five of those fourteen corridors. With this resolution, the Mayor and Council would add Tucson's vote and they should stand a good chance of making the cut. If the Interstate 10 corridor was chosen, federal dollars would be at the State's disposal to make improvements.

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

Nay: None

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

8. PUBLIC HEARING: CITY OF TUCSON RECOMMENDED BUDGET FOR FISCAL YEAR 2008

Mayor Walkup announced City Manager's communication number 267, dated May 15, 2007, would be received into and made a part of the record. He announced this was the time and place legally advertised for a public hearing on the City budget. This would be the first of two public hearings. The second hearing was scheduled for Tuesday, June 12, 2007. The public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations.

Robert Reus said he was not going to get into any details on the budget, but he had his calculator and was going to do a few extrapolations. He said last year's budget was about 1.1 billion dollars. When he moved to Tucson six years ago, it was approximately eight hundred million dollars. The City Manager, who lived in Marana and made two hundred thousand dollar each year was responsible for putting together the budget and recommended a fourteen-percent increase in the budget. He said some of that money was to give much needed raises to City employees and he supported that one hundred percent. However, part of that fourteen-percent increase was to expand the

bureaucracy. He performed calculations to indicate that in less than five years with the budget's current rate of growth, the City's budget would be over two billion dollars. He said people were very concerned about taxes. Old timers were saying their present tax bills were higher than their mortgages were before they paid them off. People were concerned that they were being taxed out of the city. Some people were living on fixed incomes and he said he was not inclined to sit back and let them be taxed out of the City.

Michael Toney said it was true in the old game of putting rice on the chess board where you put one piece in one square and then two in the next and then four in the next and so forth, it gets astronomical. It was the same with the Rio Nuevo bonding situation with the TIF funds. It grew very rapidly and then they would have to consider those calculations into the full price of what was going on. He said he could not say for sure, but the garbage recycler looked like a perfect set up. It looked like if it was two hundred fifty million dollars for one of those and it would produce fifty million dollars worth of energy every year, if there was a garbage enterprise fund it would not take that long to pay it off. He said it would be good and he thought the County was also interested. If it was well thought out and it handled all of the recyclables and did not produce any smog, it would be something coming on line for a good purpose. It would limit the build out of the Los Reales landfill.

Mr. Toney mentioned that he was pleased with the upcoming performance of the famous Mexican artist, Marco Antonio Solis at the Convention Center and booking those types of events would bring in money. He asked the Council not to forget the Tucson Convention Center's old debts. He said there were nearly twenty million dollars coming out of the general fund to pay off that debt. He said he could see some switching around with the University of Arizona Science Center funds, including twenty million from the District, six million in land giveaway, no property taxes, et cetera. Three hundred fifty million dollars coming out of the tax pot in the local area, going up to the State Treasury and coming back down. In terms of the budget and their legal opinions on state and federal funding and where they wanted to put their emphasis on what types of laws the legislature passes; they would have to put back that third of a billion dollars every year that was going to the University of Arizona. There was an incredible amount of money that was available to deal with affordable housing, installing solar panels, reestablishing natural flora and fauna, and taking care of the heat island effects. There were some opportunities coming up and the Council would have to get tough to put the same kind of energy they put into the cable license battle into the budget.

Mayor Walkup announced that was the last card he had on this subject, and asked if anyone else wished to address the Council on this issue. Hearing no one, he asked for a motion to close the public hearing.

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

Mayor Walkup asked if there was a brief presentation or if that was scheduled for next time.

Mike Hein, City Manager, said staff was prepared to give a presentation if the Council desired it.

Council Member West suggested the presentation be given at a Study Session.

Mayor Walkup announced the second public hearing on the budget would be held on June 12, 2007, and there would be an overview of the budget at Study Session.

9. PUBLIC HEARING: BROADWAY BOULEVARD, KOLB ROAD TO PANTANO ROAD DISTRICT LIGHTING IMPROVEMENT

Mayor Walkup announced City Manager's communication number 268, dated May 15, 2007, would be received into and made a part of the record. He announced this was the time and place legally advertised for the final hearing for the improvement project. The public hearing was scheduled to last for no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup asked if there was anyone wishing to be heard on this item. Hearing none, he asked for a motion to close the public hearing.

It was moved by Vice Mayor Scott, 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 Resolution 20660 by number and title only.

Resolution No. 20660 approving assessment and previous proceedings for the "Broadway Boulevard, Kolb Road to Pantano Road District Lighting Improvement," in the City of Tucson, Arizona.

It was moved by Council Member West, duly seconded, to pass and adopt Resolution 20660.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Resolution 20660 was declared passed and adopted by a roll call vote of 7 to 0.

10. ZONING: (C9-07-02) MARSON – RIVER ROAD, O-2 TO C-1, CITY MANAGER’S REPORT

Mayor Walkup announced City Manager’s communication number 280, dated May 15, 2007, would be received into and made a part of the record. This was a request to rezone property located on the south side of River Road east of Campbell Avenue. He announced the Zoning Examiner and staff recommended approval subject to certain conditions. He asked if the applicant or a representative was present and if they were agreeable to the proposed conditions.

Mike Grassinger, Planning Center stated he represented the applicant and that they were agreeable to the conditions.

Council Member Uhlich thanked Mr. Grassinger for all his good work on the project. She noted there were elements to protect the viewsheds and to take into account future traffic impacts by integrating turn lanes and other elements to ensure flow. She said it was a good project and she appreciated his bringing it to them for consideration.

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. TUCSON CODE: AMENDING (CHAPTER 12) REQUIRING REPORTING OF INDEPENDENT EXPENDITURES IN CITY ELECTIONS

Mayor Walkup announced City Manager’s communication number 275, dated May 15, 2007, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10401 by number and title only.

Ordinance No. 10401 relating to elections; requiring any person who makes independent expenditures related to a particular city office cumulatively exceeding five hundred dollars to file a report with the Campaign Finance Administrator; requiring supplemental reports each time previously unreported independent expenditures exceed one thousand dollars; excepting independent expenditures already reported under A.R.S. Section 16-913 and 16-915: specifying the time for filing reports; requiring that any report by a political committee identify any persons who have contributed five hundred dollars or more to the political committee; specifying penalty for failure to file a report or provide information; specifying factors the Campaign Finance Administrator shall use in determining whether expenditures should have been reported; providing that every two years the Campaign Finance Administrator shall adjust the amounts required for initial and supplemental reports by the percentage change in the consumer price index; creating necessary definitions; amending Tucson Code Chapter 12 to add a new Article VIII and Section 12-110; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, that Ordinance 10401 be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Ordinance 10401 was declared passed and adopted by a roll call vote of 7 to 0.

12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 271, dated May 15, 2007, 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, to appoint Albert Guidero and Dr. Sarah Herr to the Tucson-Pima County Historical Commission.

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

Upon roll call, the results were:

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

Nay: None

The appointments were declared passed and adopted by a roll call vote of 7 to 0.

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

13. ADJOURNMENT 7:27 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, May 22, 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 15th day of May, 2007, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:cf:rm