



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on August 6, 2007

Date of Meeting: June 19, 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 5:40 p.m. on Tuesday, June 19, 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
Kathleen S. Detrick	City Clerk
Mike Letcher	Deputy City Manager

2. INVOCATION AND PLEDGE OF ALLEGIANCE

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

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

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 346, dated June 19, 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 Uhlich congratulated the Amphitheater School District for receiving a teacher incentive grant from the United States Department of Education which provides incentives for teachers and principals advancing the education of students.
- b. Mayor Walkup reported that the Arizona Department of Transportation announced the I-10 widening project was ahead of schedule. Ramp closures between Prince Road and 29th Street previously scheduled for June 29, 2007 to July 1, 2007, had been incorporated into June 22, 2007 to June 24, 2007 work, which eliminated the need for the complete temporary closure of I-10 on that third weekend.

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

Mayor Walkup announced City Manager's communication number 347, dated June 19, 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.

There was no report.

5. LIQUOR LICENSE APPLICATION(S)

Mayor Walkup announced City Manager's communication number 348, dated June 19, 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. The Firkin & Friar, Ward 2
6958 E. Tanque Verde Rd.
Applicant: Richard William McKnight
Series 12, City 31-07
Action must be taken by: June 23, 2007
Development Services and Revenue have indicated the applicant is in compliance with city requirements.
Tucson Police Department has indicated the applicant is not in compliance with city requirements.
(CONTINUED FROM THE MAYOR AND COUNCIL MEETING OF JUNE 12, 2007)
This application was withdrawn by the applicant
2. 7-Eleven #17403 H, Ward 6
1080 N. Columbus Blvd.
Applicant: Nicholas Carl Guttilla
Series 10, City 33-07
Action must be taken by: July 2, 2007
Staff has indicated the applicant is in compliance with city requirements.
3. Vila Thai Cuisine, Ward 6
972 E. University Blvd.
Applicant: Vila Destanii Jarrell
Series 12, City 34-07
Action must be taken by: July 2, 2007
Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.
Development Services has indicated the applicant is not in compliance with city requirements.
Considered Separately.
4. 7-Eleven #23347 J, Ward 6
3856 E. 5th St.
Applicant: Nicholas Carl Guttilla
Series 10, City 36-07
Action must be taken by: July 2, 2007
Staff has indicated the applicant is in compliance with city requirements.

5. 7-Eleven #18602 M, Ward 4
1201 S. Avenida Polar
Applicant: Nicholas Carl Guttilla
Series 10, City 37-07
Action must be taken by: July 2, 2007
Staff has indicated the applicant is in compliance with city requirements.
6. 7-Eleven #13048 H, Ward 6
5457 E. Pima St.
Applicant: Nicholas Carl Guttilla
Series 10, City 38-07
Action must be taken by: July 2, 2007
Staff has indicated the applicant is in compliance with city requirements.
7. Quik Mart, Ward 4
10265 E. Irvington
Applicant: John Wesley Little (Jr.)
Series 10, City 39-07
Action must be taken by: July 1, 2007
Staff has indicated the applicant is in compliance with city requirements.
8. Club Social, Ward 1
4550 S. 12th Ave.
Applicant: Jose Armando Flores
Series 6, City 40-07
Action must be taken by: July 7, 2007
Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.
Development Services has indicated the applicant is not in compliance with city requirements.
Public Opinion: Written Arguments Opposed Filed
Considered Separately.
9. Dragon View Restaurant, Ward 1
400 N. Bonita Ave.
Applicant: Chuck Kwan Wan
Series 12, City 41-07
Action must be taken by: July 7, 2007
Staff has indicated the applicant is in compliance with city requirements.

Person/Location Transfer(s)

10. Gem Center @ Conference Hall, Ward 1
222 S. Freeway
Applicant: Panagiotis Lembessis
Series 7, City 35-07
Action must be taken by: July 2, 2007
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event(s)

1. Serinas del Mar, Ward 1
288 N. Church
Applicant: John Henry O’Hair
City T46-07
Date of Event: June 29, 2007
(Wedding)
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change(s)

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

Kathleen S. Detrick, City Clerk, announced that the Mayor and Council had received ten requests. Items 5b3 and 5b8 would be considered separately. Development Services indicated the applicant for 5b3 was not in compliance with city requirements. Development Services indicated that the applicant for 5b8 was not in compliance and written arguments were filed.

It was moved by Vice Mayor Scott, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2, 5b4 through 5b7, 5b9, 5b10 and 5c1 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATION(S)

b. Liquor License Application(s)

3. Vila Thai Cuisine, Ward 6
972 E. University Blvd.
Applicant: Vila Destanii Jarrell
Series 12, City 34-07
Action must be taken by: July 2, 2007
Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.
Development Services has indicated the applicant is not in compliance with city requirements.

Ms. Detrick stated that staff from Development Services had indicated 5b3, Vila Thai Cuisine, was not in compliance. It was her understanding the applicant was at the meeting. Mr. Duarte, Development Services Director, was present to address Development Services issues. Vila Thai Cuisine is located in Ward 6.

Mayor Walkup called on Council Member Trasoff.

Council Member Trasoff said she met with the applicant and they requested that the Item be continued for one week so they would have a chance to work through some of the issues.

Council Member Trasoff moved to continue Item 5b3 for one week, duly seconded, and carried by a voice vote of 7 to 0.

5. LIQUOR LICENSE APPLICATION(S)

b. Liquor License Application(s)

8. Club Social, Ward 1
4550 S. 12th Ave.
Applicant: Jose Armando Flores
Series 6, City 40-07
Action must be taken by: July 7, 2007
Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.
Development Services has indicated the applicant is not in compliance with city requirements.
Public Opinion: Written Arguments Opposed Filed

Kathleen S. Detrick, City Clerk, announced the final item to be considered separately was Item 5b8, Club Social. Development Services indicated the applicant was not in compliance with city requirements. Also, written arguments opposed had been filed against the application. The license is located in Ward 1.

Council Member Ibarra asked if the applicant, Jose Armando Flores, was there and if any one from the neighborhood was there to speak in protest.

Eulalia Colmenero spoke in opposition to the liquor license application as it was right behind her property. She stated that along South 12th Avenue there were a lot of bars. If they put another one in back of her house, it would be very dangerous for the families to pass through there. She also stated there was a school and church on the same block.

Ms. Colmenero said cars zoom through their neighborhood every time they have a dance in the neighborhood, and they would be affected if the business was granted their license. Noise, fights, shootings and cars roaring through their streets was a major problem along South 12th Avenue. There was a school in the neighborhood and they had a responsibility to the children to say something. She added that earlier in the day, her grandson asked her why she was going to court, and she told him. He told her they did not need another bar. They were scared to be in their back yard at night. Her grandson's comments really touched her heart, which is why she was at the meeting.

Ms. Colmenero stated there had been too many killings and they have really been affected by this. She submitted a list of signatures from people in her neighborhood who where also opposed to the issuance of the license.

Council Member Ibarra thanked Ms. Colmenero for her comments. He said this liquor license had a few problems with it, not only with the neighborhood opposition, but also the saturation on South 12th Avenue. It also was not in compliance with the Development Services requirements.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b8 to the State Liquor Board with a recommendation of denial.

6. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. Randy Ford spoke about El Ojito Springs being evicted after investing money in the building, and also requested more support for the arts in Tucson.

- b. Jack Strasburg spoke in support of the public/private sector partnership for Rio Nuevo, but said he would also like more opportunities for participation by lower and middle-income people.
- c. Michael Toney spoke about the proposed University of Arizona Science Center and the downtown area. He also commented on the timing of the projects.
- d. Robert Reus spoke about the upcoming Democratic Primary and General Election.
- e. Joseph Sweeney spoke about the letter he was sending to the President of Mexico regarding illegal immigration.
- f. Larry Lopez spoke about the Compensation Plan and stated he did not like the progress of the negotiations in the early stages.
- g. Roger Tamietti requested a moment of silence to remember the fallen firefighters in South Carolina, and thanked the City for their hard work with the Tucson Firefighters during the budget and compensation process.

7. CONSENT AGENDA – ITEMS A THROUGH L

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. TUCSON CODE: (CHAPTER 11) REPEALING PROVISIONS REGULATING SMOKING IN RESTAURANTS IN ORDER TO CONFORM TO THE SMOKE-FREE ARIZONA ACT
 - 1. Report from City Manager JUNE19-07-350 CITY-WIDE
 - 2. Ordinance No. 10421 relating to crimes and offenses; repealing Section 11-19 of the Tucson City Code regulating smoking in restaurants; and declaring an emergency.
- B. FINAL PLAT: (S05-129) WESTMORELAND, LOTS 1 TO 14 AND COMMON AREAS “A”, “B”, “C” AND “D”
 - 1. Report from City Manager JUNE19-07-351 WARD 1
 - 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. PARKS AND RECREATION: RENAMING THE ATTURBURY BIRD & ANIMAL SANCTUARY THE “ATTURBURY/LYMAN BIRD & ANIMAL SANCTUARY”

1. Report from City Manager JUNE19-07-352 WARD 4
2. Resolution No. 20689 relating to parks and recreation; authorizing and approving renaming the Atturbury Bird & Animal Sanctuary in Lower Lincoln Park to the Atturbury/Lyman Bird & Animal Sanctuary; and declaring an emergency.

This item was considered separately.

D. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE ARIZONA GAME AND FISH COMMISSION RELATING TO HABITAT CONSERVATION

1. Report from City Manager JUNE19-07-353 CITY-WIDE
2. Resolution No. 20691 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment One to the Intergovernmental Agreement between the City of Tucson and the Arizona Game and Fish Commission for management of the Segment 2 Habitat Conservation Plan Grant; and declaring an emergency.

E. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR IMPROVEMENTS TO GRIJALVA PARK

1. Report from City Manager JUNE19-07-354 WARD 1
2. Resolution No. 20692 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for Grijalva Park improvements; and declaring an emergency.

F. REAL PROPERTY: CONVEYANCE OF CITY-OWNED PROPERTY VIA THE PAPER PLAT PROCESS FOR THE RITA 244 SUBDIVISION

1. Report from City Manager JUNE19-07-355 WARD 4
2. Ordinance No. 10424 relating to real property; vacating and declaring portions of Rita Tech Place and Rita Park Place Street rights-of-way to be surplus property; authorizing the conveyance thereof at no cost to the developer of the Rita 244 Subdivision pursuant to the Mayor and Council Paper Plat Policy; and declaring an emergency.

- G. REAL ESTATE: PURCHASE OF PROPERTY RELATING TO THE LA PALOMA RECLAIMED WATER RESERVOIR FACILITIES
1. Report from City Manager JUNE19-07-365 OUTSIDE CITY
 2. Resolution No. 20694 relating to real estate; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary certain real property located at La Paloma Reclaimed Water Reservoir to conform the boundaries of the La Paloma Reclaimed Water Reservoir property to the existing reservoir facilities; and declaring an emergency.
- H. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR BIO-TERRORISM PREPAREDNESS AND RESPONSE GRANT
1. Report from City Manager JUNE19-07-344 CITY-WIDE
 2. Resolution No. 20695 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for Bio-Terrorism Preparedness and Response Grant; and declaring an emergency
- I. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE INCARCERATION OF CITY PRISONERS
1. Report from City Manager JUNE19-07-364 CITY-WIDE
 2. Resolution No. 20696 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the incarceration of City Prisoners for FY 2008; and declaring an emergency.
- J. APPROVAL OF MINUTES
1. Report from City Manager JUNE19-07-366 CITY-WIDE
 2. Approval of minutes for the regular meetings of the Mayor and Council held on May 15, 2007 and May 22, 2007.
- K. INTERGOVERNMENTAL AGREEMENT: WITH PIMA ANIMAL CARE CENTER FOR FISCAL YEAR 2007
1. Report from City Manager JUNE19-07-367 CITY-WIDE
 2. Resolution No. 20697 relating to Intergovernmental Agreements; approving and authorizing the Intergovernmental Agreement between the City of Tucson and Pima County for animal care/control services for FY 2007; and declaring an emergency.

L. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE PORTABLE PRACTICAL EDUCATION PREPARATION, INC.

1. Report from City Manager JUNE19-07-368(2) WARD 5
2. Resolution No. 20698 relating to Finance; approving and authorizing the allocation of Five Hundred Dollars (\$500) from the Community Support Fund, Account No. 001-183-1898-268, to Portable Practical Educational Preparation, Inc. (PPEP) to support PPEP's 40th Anniversary Appreciation Day on August 24, 2007; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced as discussed in Study Session there were additional contributions to the funds transfer. In addition to Council Member Leal's contribution of five-hundred dollars (\$500), Wards 1, 2, 3, and 4 each contributed one hundred dollars (\$100), the Mayor contributed two-hundred fifty dollars (\$250) and Council Member Trasoff contributed five hundred dollars (\$500) from other sources in 2007. The new total is one thousand six hundred and fifty dollars (\$1650).

Mr. Rankin, City Attorney, announced in addition to the changes they will conform the resolution to show that the funds allocated were to go to the cost of the TCC for the event. In the final version of the resolution and putting in the new numbers will also make that clear.

It was moved by Council Member Leal, duly seconded, that Consent Agenda Items A through L, with the exception of Item C, which was considered separately, and Item L as amended, 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, Leal, West, Uhlich, and Trasoff;
Vice Mayor Scott and Mayor Walkup

Nay: None

Consent Agenda Items A through L, with the exception of Item C, which was considered separately, and Item L as amended, were declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEMS A THROUGH L

C. PARKS AND RECREATION: RENAMING THE ATTURBURY BIRD & ANIMAL SANCTUARY THE “ATTURBURY/LYMAN BIRD & ANIMAL SANCTUARY”

1. Report from City Manager JUNE19-07-352 WARD 4

2. Resolution No. 20689 relating to parks and recreation; authorizing and approving renaming the Atturbury Bird & Animal Sanctuary in Lower Lincoln Park to the Atturbury/Lyman Bird & Animal Sanctuary; and declaring an emergency.

Kathleen S. Detrick said the item to be considered separately was Item C and it was requested by Vice Mayor Scott.

Vice Mayor Scott asked Michael and Murph Lyman to come forward. She apologized to the Lyman's for using a ruse to get them to the Council Meeting. She said that they asked them to come because the Mayor and Council requested them to speak before the Mayor and Council but in fact she wanted them to stand there. She announced that youth funding has been increased.

Vice Mayor Scott said that she requested this item be pulled from the Consent Agenda so that she could make a few comments regarding the renaming of the Atturbury Bird and Animal Sanctuary in Lower Lincoln Park to the Atturbury/Lyman Bird and Animal Sanctuary.

She said that the beautiful 55-acre sanctuary was once a haven for some of the most unsavory characters, it was literally a dumpsite. In early 1990, the Groves-Lincoln Neighborhood Association, under the leadership of Michael and Murph Lyman decided that the area needed to be taken back and returned to the neighborhood as the wonderful sanctuary that it was today.

Vice Mayor Scott said Michael Lyman relocated to Tucson after retiring from the State of New York as a peace officer. "Retiring" was a word that did not, and still does not, fit into Mr. Lyman's vocabulary. Along with his interest in the bird and animal sanctuary, he also busied himself with various projects, including working with youth in pediatrics at the University Medical Center, developing "elementary-ball" at Ford Elementary School, working with ADEQ, PDEQ, and the City of Tucson to organize a mass clean-up from aluminum dross contamination in the neighborhood.

She reported that in the mid-1990's the Ward 6 Office began funding the Youth Employment and Enrichment Program for youth working at the Atturbury Bird and Animal Sanctuary under the direction of Michael Lyman. The Atturbury Wash was one of the few remaining riparian areas and major wildlife corridors left within the City of Tucson. Preserving the area from further destruction was very important. While strolling through the sanctuary, people would be lucky enough to see a multitude of wildlife, including, but not limited to coyotes, javelina, bobcats, rabbits, hummingbirds, great horned owls, several species of hawks, and various lizards and snakes.

Support from the Ward 4 Office, Tucson Police Department, and Parks & Recreation Department as well as the youth, both those employed by the Youth Employment Program and those doing community service, and members of the Groves-Lincoln Neighborhood Association, under Mr. Lyman's leadership, were critical in the building of scenic trails. They hand-watered trees, built bridges, and made the sanctuary a "jewel" for the City of Tucson.

She stated that Michael's work with youth throughout the entire project was evident in the completion of various Eagle Scout projects, multiple workshops provided for youth and community, project outreach efforts, recognition nationally on the projects, and collaboration with Pima Community College, Santa Rita High School and others. She said that the sanctuary had become a passion for Michael and that was an understatement. It was through his leadership and guidance, along with the tremendous support from his wife Murph, that the area was what it was today. She said that if any of her esteemed colleagues or other interested staff members had not had the opportunity to view the magnificent treasure, they could contact her office and they would set up a tour with Michael and Murph as the guides. She promised that after the tour one would walk away with a new appreciation for what one person's vision and passion could accomplish. She said that the Council was aware that he did not alone transform the diamond in the rough to a treasure, but the Council also knew that it did start with him and his vision.

It was moved by Vice Mayor Scott, duly seconded, that Consent Agenda Item C be passed and adopted.

Upon roll call, the results were:

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

Nay: None

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

Vice Mayor Scott presented the Lymans with a copy of a plaque. The original would be in the Atturbury Bird and Animal Sanctuary with the Lymans' name on it. She said that the Mayor and Council were very honored and pleased they had done so much work from a grateful citizenry.

Michael Lyman thanked the Mayor and Council and said that it was a joint team effort between the neighborhood and its youth for a lot of years. He thanked the council again.

8. PUBLIC HEARING: PANTANO WASH, NORTH OF BROADWAY BOULEVARD DISTRICT BANK PROTECTION IMPROVEMENT

Mayor Walkup announced City Manager's communication number 356, dated June 19, 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 on the Pantano Wash, north of Broadway Boulevard District Bank Protection. 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 in the audience wishing to be heard on this item. Hearing no one, he asked for a motion to close the public hearing.

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

Mayor Walkup asked the City Clerk to read Resolution No. 20659 by number and title only.

Resolution No. 20659 approving assessment and previous proceedings for the "Pantano Wash, North of Broadway Boulevard District Bank Protection Improvement," in the City of Tucson, Arizona.

It was moved by Council Member West, duly seconded, to pass and adopt Resolution No. 20659.

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

Nay: None

Resolution No. 20659 was declared passed and adopted by a roll call vote of 7 to 0.

9. PUBLIC HEARING: WEST VALENCIA ANNEXATION DISTRICT AND APPROVAL OF A PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH JVBM PROPERTIES, LLC

Kathleen S. Detrick, City Clerk, read a clerical correction into the record: On page 1 on the Communication, in the section titled Background, the last sentence incorrectly reads, "If Mayor and Council adopt the annexation ordinance, the annexation district will officially become part of the City of Tucson forty-five days after ordinance adoption." It should read thirty days, per State Law.

Mayor Walkup announced City Manager's communication number 345, dated June 19, 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 on the *West Valencia Annexation District*. 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 in the audience wishing to be heard on this item.

Michael Toney said he wanted to remind the Council that the *Land Use Code* had not typically been followed, although he did not know what the zoning was. He said that SH, RH, and SR were basically in the *Land Use Code*, considered rezoning, not intended for rezoning as it turned out, and everyone was aware of the fact that often rezoning with the high density is very conflicted with the neighborhood. He thought that confusion and traffic were some of the major considerations. As Tucson became a blighted area with respect to the fall of the aquifer he thought that special attention needed to be put into the natural desert landscape that used to be in Tucson. He hoped, as CAP water would be put into the ground, the aquifer would rise up a little bit. He thought that the decay should be stopped, and in the other direction, which was also a neglected provision of policy of the *General Plan*. He said he hoped the City Council would try to find funding to support the re-vegetation of the desert.

Mayor Walkup asked if there was anyone else in the audience wishing to be heard on this item. Hearing no one, he asked for a motion to close the public hearing.

It was moved by Council Member Ibarra, 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 No. 20693 by number and title only.

Resolution No. 20693 relating to annexations; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and JVBM Properties, LLC; and setting an effective date.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Resolution 20693.

Upon roll call, the results were:

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

Nay: None

Resolution No. 20693 was declared passed and adopted by a roll call vote of 7 to 0.

Kathleen S. Detrick, City Clerk, announced that a second motion on proceeding with the *West Valencia Annexation District* was needed, which was separate from the resolution.

It was moved by Council Member Ibarra, duly seconded, to direct staff to proceed with the *West Valencia Annexation District* by gathering the necessary property owners signatures and return to the Mayor and Council with a proposed ordinance annexing the property.

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

Motion passed by a voice vote of 7 to 0.

10. PUBLIC HEARING: MAJOR STREETS AND ROUTES PLAN AMENDMENT – SOUTHEAST MAJOR ROADWAYS

Mayor Walkup announced City Manager's communication number 357, dated June 19, 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 on an amendment to the proposed *Major Streets and Routes Plan*. 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 in the audience wishing to be heard on this item. Hearing no one, he asked for a motion to close the public hearing.

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 the City Clerk to read Ordinance No. 10427 by number and title only.

Ordinance No. 10427 relating to planning and zoning; updating and amending the *Major Streets and Routes (MS&R) Plan* map to include the arterial roadways specified in the Southeast Area Arterial Study (SAAS); and setting an effective date.

Council Member Leal said that he knew that the Council historically had adopted major streets and routes overlays on large sections of land as the council was being asked to consider tonight. He understood there were a couple of purposes in this. First, to better protect the City from wildcat subdivisions, and secondly to better secure a right-of-way prior to rezoning, to facilitate transportation infrastructure and also potentially to better mitigate and to protect the environment. As this went to the Planning and Zoning Commission there was some protracted debate. He would not try to elaborate on the size of it. He said that it was fairly intelligent for the size of it. He said he thought that anyone who read the minutes saw that. It gave him some pause because it really was quite large. Secondly, the brunt of it would probably end up being in Ward 5.

Council Member Leal said he had some questions, but also it was his desire to continue the public hearing for two weeks, and also to have a Study Session discussion for the Council between then and now. A couple of things that the Council asked of staff, and he knew that maybe it would end up being a little rough, but he said they still need some frame of reference. He wanted to know if they had the money to do the *Master Plan* study that the Planning Commission referred to. He supposed it was similar to what the Council did with the HAM. He said to have a sense, to have the money in hand, and secondly some rough estimate on the infrastructure cost for transportation, stormwater, parks and recreation, and the total for those. Also, some projections on impact fee generation regarding transportation, parks and recreation, so the Council could have a handle on it. Lastly, some projections at full build-out, and what the added water consumption would be, so that it could be factored into the City's plan, so they could have a sense of what that would lay on the City. Those were the kind of things that he had in mind for the Study Session, to help him have the comfort level. He knew the city needed to do this, but he just asked for additional information, so that he knew the City was moving forward while looking at the big picture.

Vice Mayor Scott requested staff stay in contact with Westcor once the State Land Department issues the planning permit. If they were included in that kind of discussion there was a portion of this study area that includes the Houghton Road area, which they would be getting permission for from the state, hopefully someday soon, to be able to plan; and hat the Council be included in the notifications so that they could coordinate with the *Master Plan*.

Council Member Leal said that he agreed.

Vice Mayor Scott asked they be included for all of this.

Mayor Walkup asked if there was any further discussion.

Council Member Trasoff asked if this would in any way delay anything. She said that she knew there were other jurisdictions that had to approve the *Major Streets and Routes Plan*. She asked if delaying by two weeks would impact PAG, Sahuarita, Pima County, or any one else and if the council had the time to look at this. She asked if the habitat conservation planning was also going to be looked at. She said, as she understood, it that it would enhance the City's ability.

Council Member Leal said that the *Master Plan* effort should include that.

Council Member Uhlich said that she read the minutes from the Planning Commission, and she wholeheartedly supported her three colleagues who were calling for better information on how this would integrate with the *Master Plan* effort. To the extent the council could answer questions up front was great, but if the questions were not fully answered it was that integration that she was interested in: how the timeline for the *Master Plan* would track in this particular area, to make sure that the Council was not setting things firmly before they had the *Master Plan*.

It was moved by Council Member Leal to continue the public hearing for two weeks and have the item as Study Session item one week from today.

Kathleen S. Detrick announced the public hearing was closed.

Council Member Trasoff asked if the Council could move to hold another public hearing. She also asked if there needed to be a motion to re-open the hearing.

Ms. Detrick said that the item would have to be re-notified.

Michael Rankin, City Attorney, said that it was the Council's pleasure, if they would like to reopen and continue, the item could be discussed now.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 7 to 0 to re-open the public hearing and to continue it to July 10, 2007. The public hearing would be held at City Hall, 255 W. Alameda, at or after 5:30 p.m.

Ms. Detrick clarified that the item would be put on the June 26, 2007 Study Session.

11. PUBLIC HEARING: ZONING (C9-00-23) RITA 244 LLC – RITA ROAD, RX-1, I-1, AND I-2 TO C-2 AND I-1, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 358, dated June 19, 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 on a request for changes to rezoning conditions and the preliminary development plan for property located on the east side of Rita Road, north of Interstate 10, and southwest of the Julian Wash. He asked if the applicant or representative was present, and if they had any brief comments before continuing with the public hearing.

Mary Beth Savel, from Lewis and Roca LLP, on behalf of Diamond Ventures, said the applicant was happy with the staff report and satisfied with the conditions including the additional conditions requested by staff. The applicant had already signed the appropriate paperwork and submitted it to the city. The applicant requested that the Council proceed with the approval of the change in preliminary development plan so the applicant could get keyed up and going on this project in Vice Mayor Scott's ward.

Mayor Walkup announced 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 in the audience wishing to be heard on this item.

Michael Toney said that he knew that this was going from a fairly huge area to a even more huge area. It was going from 795,000 to 1,200,000 square feet. He wondered if there were any intentions to take in the FAR and if the City still dealt with the FAR, for area ratio. With the water conservation and natural resources, he had the same concerns for the environmental section of the *General Plan* that he was taking out from the back room and bringing it out into the open on every possible occasion. The natural desert landscape was also quite important even if it was blighted. There was a basic obligation on the part of the City Council, and all stakeholders. When they saw him running around he was a karat holder, as in diamonds and gold. This was quite an extensive change and he said he was not sure if he should let some of the stuff in the pamphlet go regarding retail and stuff out there. He was not sure, that it was pretty extensive and so given the fact that the drought was coming and the whole situation that was happening with traffic, and the Pete Island effect. He asked if there were going to be large trees planted, sooner than later, so that there would be intensive shadowing of the parking lot. He said that he saw that there was one written approval and zero written protests. Apparently it was not close to residential areas, but it was another large swath of land, taking it out of RX-1 to I-2, but he did not know enough about it. He said he was glad that the Council was reading the Planning Commission minutes.

Mayor Walkup asked if there was anyone else in the audience 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 Ordinance 10420 by number and title only.

Ordinance No. 10420 relating to zoning: amending the conditions of Ordinance No. 10255 for a portion of the area located on the east side of Rita Road north of Interstate 10 in Case C9-00-23, Rita 244 LLC – Rita Road, I-1, I-2, and RX-1 to C-2 and I-1; and declaring an emergency.

It was moved by Vice Mayor Scott, duly seconded, to approve the request for a change of conditions and preliminary development plan and pass and adopt Ordinance 10420.

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

Nay: None

Ordinance No. 10420 was declared passed and adopted by a roll call vote of 7 to 0.

12. ZONING: (C9-07-08) STETSON/LOHMAN – BROWN STREET, SR TO RX-1, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager’s communication number 359, dated June 19, 2007, would be received into and made a part of the record. He said this was a request to rezone property located on the west side of Brown Street approximately 500 feet south of Broadway. He asked if the applicant or a representative were present and if they were aware of and agreeable to the proposed requirements.

Emy Stetson said she was agreeable to the proposal.

Mayor Walkup asked the City Clerk to read Resolution No. 10422 by number and title only.

Ordinance No. 10422 relating to zoning: amending zoning district boundaries in the area located on the west side of Brown Street, approximately 500 feet south of Broadway Boulevard in Case C9-07-08, Stetson/Lohman – Brown Street, SR to RX-1; and setting an effective date.

It was moved by Council Member West, duly seconded, to authorize the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10422.

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

Upon roll call, the results were:

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

Nay: None

Ordinance No. 10422 was declared passed and adopted by a roll call vote of 7 to 0.

13. ZONING: (C9-07-06) SAFEWAY – BROADWAY BOULEVARD, C-1 TO C-2, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

Kathleen S. Detrick, City Clerk, announced that she had a clerical correction to make to the report. Exhibit A to the Ordinance, Condition #14 previously read. “Five years are allowed from the date of Ordinance Adoption if such adoption occurs the day as the initial authorization” and it should read “if such adoption occurs the same day as the initial authorization.”

Mayor Walkup announced City Manager’s communication number 360, dated June 19, 2007, would be received into and made a part of the record. This was a request to rezone property located on the southeast corner of Camino Seco and Broadway Boulevard. He asked if the applicant or a representative were present and if they were agreeable to the proposed requirements.

Frank Bangs, of Lewis and Roca, representing the applicant Safeway, said that with him tonight were Ms. Jennifer Paterson from Safeway and Mr. Jeff Winter from Esencia Architects, and both were available to answer questions. They did not have anything to add to the staff report, and the conditions were acceptable to the applicant; but they wanted to quote the Zoning Examiner stating it was a great project and to get out there and get started, and they would like to do that with the council’s help. He said that if the council had any questions, they would be happy to answer them.

Mayor Walkup asked the City Clerk to read Ordinance No. 10423 by number and title only.

Ordinance No. 10423 relating to zoning: amending zoning district boundaries in the area located on the southeast corner of Camino Seco and Broadway Boulevard in Case C9-07-06, Safeway – Broadway Boulevard, C-1 to C-2; and setting an effective date.

It was moved by Council Member West, duly seconded, to authorize the request as recommended by the Zoning Examiner and pass and adopt Ordinance 10423, as amended.

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

Nay: None

Ordinance No. 10423 was declared passed and adopted by a roll call vote of 7 to 0.

14. ZONING: (C9-06-04) CHIRCO - 22ND STREET, C-1 TO C-2, REQUEST FOR TIME EXTENSION

Mayor Walkup announced City Manager's communication number 361, dated June 19, 2007, would be received into and made a part of the record. This was a request for a five-year time extension for the completion on the rezoning conditions for the property located on the east side of Gollob Road between 21st Street and 22nd Street. He asked if the applicant or a representative were present, and if they were agreeable to the proposed conditions.

Keri Silyvn of Lewis and Roca LLC, said they were agreeable to the few small changes to the conditions and the time extension. She announced with her tonight was Joe Chirco, the owner of Chirco Automative.

It was moved by Council Member West, duly seconded, to approve the request as presented by staff.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a voice vote on the motion. The motion passed by a voice vote of 7 to 0.

15. TUCSON CODE: AMENDING (CHAPTER 22) REGARDING THE BENEFITS FOR EMPLOYEES OF THE CITY OF TUCSON

Mayor Walkup announced City Manager's communication number 362, dated June 19, 2007, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10425 by number and title only.

Ordinance No. 10425 relating to leave and other benefits: Tucson Code Chapter 22, Article V Leave Benefit Plan and Article VI Other insurance benefits; adding Article V Subsection 22-90(3) d., Payment of accrued sick leave upon death of an employee; amending Article V Section 22-93(b) Sick leave payment to fire department commissioned personnel; amending Article V Section 22-94(b), Sick leave payment to police department commissioned personnel; amending Article V Section 22-95(a) Sick leave incentive program for the employee group eligible for representation by the Tucson Association of City Employees (TACE); amending Article V Section 22-95(b) Sick leave incentive program for the employee group eligible for representation by the American Federation of State, County, and Municipal Employees (AFSCME); repealing Article VI Section 22-100 Providing for other insurance benefits; and declaring an emergency.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Ordinance 10425.

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

Nay: None

Ordinance No. 10425 was declared passed and adopted by a roll call vote of 7 to 0.

16. TUCSON CODE: ADOPTION OF THE ANNUAL COMPENSATION PLAN FOR EMPLOYEES OF THE CITY OF TUCSON

Mayor Walkup announced City Manager's communication number 363, dated June 19, 2007, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10426, by number and title only.

Ordinance No. 10426 relating to compensation plan; Tucson Code Chapter 10, Article II, Section 10-31, Adopting salary schedules for Fiscal Year 2008; implementing Section 10-31; Ratifying, reaffirming and reenacting Sections 10-31(7), Providing percentages for calculation of compensation from salary schedules for employees in specified assignment positions; Section 10-33, Language communication compensation; Section 10-33.1, Providing for proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish; Section 10-34, Incentive pay for fire prevention inspectors; Section 10-34.1, Assignment and incentive pay for maintaining paramedic certification and working as paramedics; Section 10-35, Fire battalion chief callback shift pay; Section 10-47, Recruiting referral compensation for police officer applicants' program; Section 10-48, Supplement to military pay;

Section 10-49, Holiday and BOI pay for commissioned officers of the Tucson Police Department of the position of lieutenant and assignment positions of captain and assistant chief; Section 10-52, Longevity compensation plan; Section 10-53, Pipeline protection program; compensation; Section 10-53.1, Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance; Section 10-53.2, Maintenance management program, assignment and incentive pay compensation; Section 10-53.3, Career enhancement program (CEP) incentive pay for commissioned police personnel through rank of captain; Section 10-53.5, Providing for honor guard assignment compensation; amending Section 10-53.4, Providing additional compensation for public safety command staff; adding Section 10-31(8) authorizing payment for uniform maintenance consistent with labor agreements and administrative directives; adding Section 10-53.6 Providing additional compensation to defray housekeeping costs for commissioned fire personnel, all as part of implementation of the Annual Compensation Plan for Fiscal Year 2008; and declaring an emergency.

It was moved by Council Member West, duly seconded, that Ordinance 10426 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, Leal, West, Uhlich, and Trasoff;
Vice Mayor Scott and Mayor Walkup

Nay: None

Ordinance No. 10426 was declared passed and adopted by a roll call vote of 7 to 0.

17. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 349, dated June 19, 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, and carried by a voice vote of 7 to 0, to appoint Marisela Mariscal and Joseph Bass to the Pima County-City of Tucson Commission on Addiction, Prevention and Treatment.

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

There were no personal appointments.

18. ADJOURNMENT: 6:51 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, June 26, 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 19th day of June 2007, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:bp:ss