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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on February 20, 2008

Date of Meeting: July 10, 2007

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:33 p.m. on Tuesday, July 10, 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 (departed at 7:30 p.m. )
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Staff Members Present:

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

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.

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Rolanda Mazeika, City Clerk's Office, after which the Pledge of Allegiance was led by Boy Scout Troop 333.

Presentations:

- a. Mayor Walkup proclaimed July 23 to 28, 2007, to be "Buffalo Soldier Week." Bill Spaulding was there to accept the proclamation.
- b. Mayor Walkup presented a certificate of appreciation and recognition to Stewart R. (Dick) Palmer, Fire and Building Code Review Committee Chairman.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 397, dated July 10, 2007, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Vice Mayor Scott announced the Ward 4 office would be collecting old unused cell phones with batteries and attachments and pagers. These items could be dropped off at the Ward 4 office, and they would be sending them to a recycling organization, in order to send cell phones and videophones to the troops overseas.

Vice Mayor Scott also announced that on Saturday, August 11<sup>th</sup> they would hold the 7<sup>th</sup> Annual Back to School Bash at the Clements Center and invited the public to attend.

Vice Mayor Scott also announced her office had been receiving phone calls and concerns from constituents regarding an individual living in Rita Ranch area who was in violation of zoning laws. This individual was profiled on CNN, with the O'Reilly Factor. *Inside Edition* came and talked to her further about this individual and the facts about his activities. She assured those who knew about this individual that he was served with two citations from the City of Tucson on zoning violations, and wanted the public to know the City had taken legal steps to correct the problem.

- b. Council Member Uhlich gave an update on the dog-park next to the Northwest Neighborhood Center. She commended the members of the public and staff involved in a meeting held recently to discuss issues about the dog-park. She wanted the public to know that the consensus at that meeting was to proceed with the plan to install new turf including a better drainage and underlying soil system.

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

Mayor Walkup announced City Manager’s communication number 398, dated July 10, 2007, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events and asked for that report.

Mike Hein, City Manager, congratulated Vice Mayor Shirley Scott for receiving the very first “Excellence in Solar Energy Congressional Award.” Arizona Congresswoman Gabrielle Giffords presented the award to her on July 5, 2007, at a press conference. Vice Mayor Scott was recognized for her outstanding commitment to the innovation and creation of the use of solar energy with respect to the Ward 4 office being the first municipal City of Tucson solar building.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager’s communication number 399, dated July 10, 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. La Bella China Restaurant, Ward 1  
5680 S. 12th Ave.  
Applicant: Miu Chu Luk  
Series 12, City 47-07  
Action must be taken by: August 3, 2007  
Staff has indicated the applicant is in compliance with city requirements.
- 2. SABRA Mediterranean Restaurant, Ward 6  
4210 E. Speedway Blvd.  
Applicant: Monty P. Blankier  
Series 12, City 48-07  
Action must be taken by: August 6, 2007  
Revenue and Development Services have indicated the applicant is in compliance with city requirements.  
Tucson Police Department’s review is in process.

c. Special Event(s)

There were no applications for special events scheduled for this meeting.

d. Agent Change(s)

There were no applications for agent changes scheduled for this meeting.

Kathleen S. Detrick, City Clerk, announced there were two requests for new licenses. Staff indicated the applicant was in compliance on both licenses. Until the day of the meeting, the City Clerk's Office had not received the report from the Tucson Police Department on Item 5b2, which was the SABRA Mediterranean Restaurant. However, the report had since been received, and the Tucson Police Department indicates the applicant was in compliance with city requirements.

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

## **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. Cierra Lopez and Jessica McQuillin made a joint presentation. They said they were summer interns for Council Member West's office. They spoke about the amount of littering that was occurring along Old Spanish Trail and urged the Mayor and Council to hold a study session on the topic and to take a tough stance against littering.
- b. Rob Blizzard spoke as a representative of the Subcommittee on Transportation for the Tucson Commission on Disability Issues. He spoke about a problem involving Tucson House and Van Tran and the effects on the disabled community.
- c. Bishop Chicago spoke about the drug problems on the south side and the plight of the homeless.
- d. Michael Toney spoke about the effects of tree trimming on birds and about fiber optics.
- e. Joseph Sweeney spoke in opposition to illegal immigrants residing in Section 8 housing and on the voter registration rolls.
- f. Jack Strasburg commented on the Steinfeld Warehouse and requested additional assistance for the artists that were being relocated.

**7. CONSENT AGENDA – ITEMS A THROUGH W**

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

**A. FINANCE: UNCOLLECTIBLE ACCOUNTS RECEIVABLE**

1. Report from City Manager JULY10-07-401 CITY-WIDE
2. Resolution No. 20709 relating to finance; authorizing the write-off of certain uncollectible accounts, and declaring an emergency.

**B. TUCSON CODE: AMENDING (CHAPTER 28) THE PROCUREMENT CODE, RELATING TO SUBCONTRACTOR LISTS**

1. Report from City Manager JULY10-07-402 CITY-WIDE
2. Ordinance No. 10434 relating to procurement; reenacting Tucson Code Section 28-48(4) relating to the submission of subcontractor lists; adding a sunset date; and declaring an emergency.

**C. REAL PROPERTY: LEASE AGREEMENT WITH PIMA COUNTY FOR OFFICE SPACE IN THE PUBLIC WORKS BUILDING AT 201 NORTH STONE AVENUE**

1. Report from City Manager JULY10-07-403 WARD 1
2. Ordinance No. 10432 relating to real property; authorizing and approving the lease by the City of Tucson of 69,612 square feet of office space in the Public Works Building located at 201 North Stone Avenue, Tucson, Arizona from Pima County; and declaring an emergency.

**D. ASSURANCE AGREEMENT: (S06-056) SIERRA MORADO SUBDIVISION, UNIT 3, LOTS 807 TO 1117, AND COMMON AREAS “A”, “B”, AND “C”**

1. Report from City Manager JULY10-07-405 WARD 4
2. Resolution No. 20710 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. S06-056 of a final plat for the Sierra Morado, Unit 3 Subdivision, Lots 807 to 1117 and Common Areas “A” - “C”; and declaring an emergency.

- E. FINAL PLAT: (S06-056) SIERRA MORADO SUBDIVISION, UNIT 3, LOTS 807 TO 1117, AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JULY10-07-406 WARD 4
  2. Staff recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- F. ASSURANCE AGREEMENT: (S06-031) SIERRA MORADO SUBDIVISION, UNIT 4, LOTS 1118 TO 1530, AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JULY10-07-404 WARD 4
  2. Resolution No. 20711 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. S06-031 of a final plat for the Sierra Morado, Unit 4 Subdivision, Lots 1118 to 1530 and Common Areas “A” - “C”; and declaring an emergency.
- G. FINAL PLAT: (S06-031) SIERRA MORADO SUBDIVISION, UNIT 4, LOTS 1118 TO 1530, AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JULY10-07-407 WARD 4
  2. Staff recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- H. ASSURANCE AGREEMENT: (S05-105) TRES PUEBLOS SUR SUBDIVISION (RCP), LOTS 1 TO 60, COMMON AREAS “A-1” TO “A-4”, AND COMMON AREAS “B-1” TO “B-2”
1. Report from City Manager JULY10-07-408 WARD 5
  2. Resolution No. 20712 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. S05-105 of a final plat for the Tres Pueblos Sur Subdivision, Lots 1 to 60 and Common Areas “A-1” to “A-4”, and Common Areas “B-1” to “B-2”; and declaring an emergency.

- I. FINAL PLAT: (S05-105) TRES PUEBLOS SUR SUBDIVISION (RCP), LOTS 1 TO 60, COMMON AREAS “A-1” TO “A-4”, AND COMMON AREAS “B-1” TO “B-2”
  - 1. Report from City Manager JULY10-07-409 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.
  
- J. FINAL PLAT: (S06-093) EASTSIDE INDUSTRIAL CENTER, A 12 UNIT INDUSTRIAL CONDOMINIUM SUBDIVISION, UNITS 1 TO 12, COMMON ELEMENT “A”, AND LIMITED COMMON ELEMENTS “B”, “C”, “D”, “E”, AND “F”
  - 1. Report from City Manager JULY10-07-395 WARD 4
  - 2. Staff recommends that the Mayor and Council approve the final plat as presented. A performance bond has been submitted as required to complete assurable items. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
  
- K. INTERGOVERNMENTAL AGREEMENT: WITH LOCAL JURISDICTIONS FOR THE ESTABLISHMENT OF A CENTRALIZED BAIL BOND ACCEPTANCE SERVICE
  - 1. Report from City Manager JULY10-07-412 CITY-WIDE
  - 2. Resolution No. 20713 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson, Pima County, Town of Oro Valley, Town of Marana, City of South Tucson, and Town of Sahuarita for the establishment of a centralized bail bond acceptance service; and declaring an emergency.
  
- L. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE LOFT CINEMA
  - 1. Report from City Manager JULY10-07-415 MAYOR AND WARD 2
  - 2. Resolution No. 20714 relating to Finance; approving and authorizing the allocation of Five Hundred Dollars (\$500) from the Mayor’s Office and Two Hundred Dollars (\$200) from the Ward 2 Office Community Support Fund, Account No. 001-183-1898-268, for a total of Seven Hundred Dollars (\$700), to The Loft Cinema for the First Annual Children’s Film Festival to be held July 22 through July 28, 2007 and the Grease Sing-A-Long to be held August 24 and 25, 2007; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced that as discussed in Study Session, the following contributions were made in addition to the contribution previously made by Council Member Trasoff: Vice Mayor Scott - \$100, Council Member Ibarra - \$200, and Council Member Uhlich - \$200. Ms. Detrick advised this was in addition to the contributions made by Mayor Walkup - \$500, and Council Member West - \$200. The resolution would be amended to reflect the new total of twelve hundred dollars (\$1,200).

M. REAL PROPERTY: RIGHTS-OF-WAY FOR THE FOURTH AVENUE UNDERPASS PROJECT

1. Report from City Manager JULY10-07-413 WARD 6
2. Resolution No. 20715 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, temporary and permanent rights-of-way from Union Pacific Railroad for the construction and completion of the Fourth Avenue Underpass Project; and declaring an emergency.

N. GRANT AGREEMENT: WITH THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR HOUSEHOLD HAZARDOUS WASTE AND COMPUTER EQUIPMENT

1. Report from City Manager JULY10-07-410 CITY-WIDE
2. Resolution No. 20716 relating to Environmental Services; approving and authorizing execution of a Grant Agreement between the City of Tucson and the Arizona Department of Environmental Quality for household hazardous waste and computer equipment one-day and continuous collection events; and declaring an emergency.

O. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR MAINTAINING A SUB-RECIPIENT AGREEMENT FOR THE HOME PROGRAM

1. Report from City Manager JULY10-07-416 CITY-WIDE
2. Resolution No. 20717 relating to Community Services; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for maintaining a Sub-Recipient Agreement for the purpose of participating in the federally funded HOME Program; and declaring an emergency.

P. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY RENEWING PARTICIPATION IN THE HOME PROGRAM

1. Report from City Manager JULY10-07-417 CITY-WIDE
2. Resolution No. 20718 relating to Community Services; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the renewal of the Consortium Agreement for the purpose of participating in the HOME Program; and declaring an emergency.

Q. REAL PROPERTY: AUTHORIZATION TO ACQUIRE REAL PROPERTY FOR THE TUCSON ORIGINS HERITAGE PARK

1. Report from City Manager JULY10-07-411 WARD 1
2. Resolution No. 20719 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 412 South Brickyard Lane to facilitate the Master Plan for the Tucson Origins Heritage Park; and declaring an emergency.

R. FINANCIAL PARTICIPATION AGREEMENT: WITH TUCSON REGIONAL ECONOMIC OPPORTUNITIES, INC. (TREO)

1. Report from City Manager JULY10-07-421 CITY-WIDE
2. Resolution No. 20720 relating to Financial Participation Agreements; authorizing and approving the FY 2008 Financial Participation Agreement between the City of Tucson and Tucson Regional Economic Opportunities, Inc. (TREO); and declaring an emergency.

Item R was considered separately.

S. FINANCIAL PARTICIPATION AGREEMENTS: WITH VARIOUS OUTSIDE AGENCIES

1. Report from City Manager JULY10-07-420 CITY-WIDE
2. Resolution No. 20721 relating to outside agency activities; authorizing and approving the Financial Participation Agreements between the City of Tucson and various outside agencies for FY 2008 and amendments to the FY 2007 Financial Participation Agreements between the City of Tucson and various outside agencies; and declaring an emergency.

- T. FINANCIAL REIMBURSEMENT AGREEMENT: WITH HOTEL CONGRESS FOR THE 4<sup>TH</sup> AVENUE UNDERPASS CONSTRUCTION PROJECT
1. Report from City Manager JULY10-07-419 WARD 6
  2. Resolution No. 20722 relating to transportation; authorizing and approving the Financial Reimbursement Agreement with the Hotel Congress for costs resulting from conversion of the electrical system relating to the 4<sup>th</sup> Avenue Underpass Construction Project; and declaring an emergency.
- U. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA FOR LANDSCAPE WATER CONSERVATION EDUCATION
1. Report from City Manager JULY10-07-418 CITY-WIDE & OUTSIDE CITY
  2. Resolution No. 20723 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with the University of Arizona Board of Regents for the University of Arizona Pima County Cooperative Extension SmartScape Program; and declaring an emergency.
- V. MAYOR AND COUNCIL: AMENDING THE 2007 MAYOR AND COUNCIL MEETING SCHEDULE
1. Report from City Manager JULY10-07-422 CITY-WIDE
  2. Ordinance No. 10435 relating to administration; amending Section 2 of Ordinance 10352, which approved a schedule of Mayor and Council regular meeting dates for 2007, to reschedule the regular meeting date of August 7, 2007 to August 6, 2007; and declaring an emergency.
- W. APPROVAL OF MINUTES
1. Report from City Manager JULY10-07-425 CITY-WIDE
  2. Approval of minutes for the regular meetings of the Mayor and Council held on April 24, 2007 and June 5, 2007.

It was moved by Council Member Trasoff, duly seconded, that Consent Agenda Items A through W, with the exception of Item R which would be considered separately, and with Item L as amended, 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

Consent Agenda Items A through W, with the exception of Item R (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 – ITEM R

### R. FINANCIAL PARTICIPATION AGREEMENT: WITH TUCSON REGIONAL ECONOMIC OPPORTUNITIES, INC. (TREO)

1. Report from City Manager JULY10-07-421 CITY-WIDE
2. Resolution No. 20720 relating to Financial Participation Agreements; authorizing and approving the FY 2008 Financial Participation Agreement between the City of Tucson and Tucson Regional Economic Opportunities, Inc. (TREO); and declaring an emergency.

This item was removed from the Consent Agenda at the request of Council Members West and Uhlich.

Council Member Uhlich said both she and Council Member West wanted to hear more from the Tucson Regional Economic Opportunities, Inc. (TREO). The relationship between the City of Tucson and TREO was very important, with the Regional Economic Development Authority. She appreciated that Lee Smith and other members of TREO were in attendance. She said Mr. Smith sent her office information regarding the small business assistant component, which she had been focusing on. When the Mayor and Council discussed this topic last year, they agreed it was significantly important to sustain the hotline for small businesses. At that time, TREO started to roll out a vision and a plan on how to better service the small business community. Council Member Uhlich wanted to give Mr. Smith the opportunity to share that with the community.

Lee Smith, Vice President Business Development of Tucson Regional Economic Opportunities, Inc. (TREO), said it was his pleasure to be present and respond to questions. He emphasized that local retention expansion was a huge part of TREO's focus. It was a huge part of winning for the community; he felt TREO had done a good job in continuing to do that. Regarding the hotline, TREO had done an extensive amount of creating documents that have been put in agencies throughout the city, letting people

know about the hotline number. The hotline number has been manned. He noted there has been a significant amount of activity received from the hotline number, specific to business needs. There were a total of eight hundred sixty-five responses from specific businesses calling in with questions regarding business links, empowerment zone, and the enterprise zone.

Mr. Smith also stated TREO had a quick link program that was directed toward development service type issues and the program was very active. He said they had enough staff assigned to respond to each call to make sure they came to a conclusion.

Council Member Uhlich asked Mr. Smith if the inquiries were coming in through a centralized hotline and then referred to other entities or would the calls remain imbedded within TREO.

Mr. Smith responded that the hotline would remain active within TREO. It was a coordinating agency and was establishing many community relationships in terms of working with other organizations to provide business development support and other types of activities, as well as the point of contact for calls and questions. TREO then assigned action items to their staff or notify other agencies. It then made sure those items were followed up on and the outcome documented.

Council Member Uhlich said that was very good. She said Joe Snell, Director of TREO, and his staff, took the opportunity to remind the public that in the City's economic base, eighty to eighty-five percent of new jobs was created by local, smaller businesses seeking to grow. She said she was grateful and glad that TREO was sustaining that effort and asked what the hotline number was.

Mr. Smith responded the hotline number was 243-1905.

Council Member West asked Mr. Smith how small businesses would find more information regarding the hotline.

Mr. Smith replied that TREO had done marketing outreach and the partnerships they created with other organizations tremendously increased the one-on-one contact with local companies. He indicated the hotline and other programs provided an avenue where feedback could be provided on issues and requests on specific action items could be obtained. The biggest part of what TREO was doing was to notify the local community that those opportunities were out there and where they could get help.

Council Member West said the acting chair of the Small Business Commission recently came to visit her because he was her appointee and had specific concerns regarding small businesses. He stated TREO had started a small business committee headed by Elizabeth Stand that met five or six times and then disappeared. He was very disappointed because this was important for the small business community in Tucson and asked Mr. Smith what could happen to resurrect that.

Mr. Smith responded that the decision to slow down activities fell under his direction. He said TREO had some City of Tucson small business groups located in Pima County. Instead of creating an additional group, his intention was to integrate the two existing organizations. He met on a regular basis with the two groups and had a very honest and interactive involvement with them. He said, as they would move forward, they would like to continue the integration with those organizations and recommend the possibility of moving them into a single community organization.

Council Member West said that was good to hear because, as Council Member Uhlich mentioned, the rest of the council members shared the concern about that issue. Small businesses were important and were the lifeblood of Tucson, but at the same time, she knew that TREO had other important goals that were equally important. She emphasized that this would not be neglected.

Council Member Leal said he wanted to touch on the subject of port authority and inland ports. He wanted to take the opportunity to focus some light on this issue because this subject had been discussed at the City level, then to Pima Association of Governments (PAG), and now to TREO. TREO might be the foster parent regarding inland ports. Council Member Leal said when the Council discovered they could be a port authority and not be by the ocean, it was stunning and important to them because of the power and opportunities this would create, given that Long Beach was completely congested and there was no way to create relief for that. The train systems were at a maximum and difficult for goods to come in and out of the country through there. He said when one would hear that the Port of Guaymas was being deepened, it meant that Tucson could be set up to be in the right place at the right time and have the ability to be the transportation logistics hub for the nation.

Council Member Leal said this was important because of the jobs it would create. This was also strategically important because in the next twenty years, as the city maximizes water use and the number of jobs that depend on the construction trades decreases, the City would need a big lifeboat to get into. He always saw the idea of having a port authority in the inland port as that boat for the Council to create, while they were not under crisis. He wanted to follow up and make sure this would get the kind of attention that the Council wanted and the community needed.

Mr. Smith assured Council Member Leal that TREO wanted to build on the hard work that had been done and was working hard to be a delivery organization. They were working hard to systematically set up methods that would be prudent with the dollars and have the resources to be able to move forward. He said they had a good plan in place, and welcomed the opportunity to meet with anyone to discuss building on the future. Mr. Smith said that was very important and TREO had set up an internal team to move this idea ahead.

Mayor Walkup concurred with Council Member Leal. With his contact with TREO, he was aware that a proposal was made to Long Beach that Tucson be an inland port. The proposal said rather than trying to untangle what container was going where while it was just coming off the dock, just get it on a train coming to Tucson, where it could be broken and shipped to the designated locations. TREO was involved in proposals to strengthen Tucson as an inland port. Mayor Walkup said with the connections that Tucson shared with Mexico and Latin America, and since Guaymas and Matzatlán were very functional seaports, Tucson was at a crossroad of that which would come north, to that which would link to the east. TREO was in the perfect position to manage that process for the region; it was Tucson's future.

Mayor Walkup said to have an organization like TREO looking out for the interest of the community, helping existing businesses expand and the creation of new businesses, and then recruiting strategically was exactly what the Council wanted TREO to do. He appreciated very much what Mr. Smith and TREO were doing.

It was moved by Council Member West, duly seconded, to pass and adopt Resolution 20720.

Upon roll call, the results were:

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

Nay: None

Resolution 20720 was declared passed and adopted by a roll call vote of 7 to 0.

## **8. PUBLIC HEARING: TUCSON CODE (CHAPTER 13) ADOPTION OF THE 2006 INTERNATIONAL FIRE CODE WITH LOCAL MODIFICATIONS**

Kathleen Detrick, City Clerk, said the City Attorney had an amendment to announce for this item.

Michael Rankin, City Attorney, said as announced during the study session, the City Attorney's Office prepared a revised version of one of the sections to the *code* for consideration. He said he would wait to see the direction of the Council in their decision to include the revision to the *Tucson Code* or to give it further consideration.

Mayor Walkup announced City Manager's communication number 424, dated July 10, 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 adoption of the *2006 International Fire Code*. The public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations.

David Giles, representing the Behavioral Health Coalition and also a membership of thirty plus other behavioral health agencies, said he was concerned with the issue of the new *Fire Code* that would require sprinklers on residential type homes serving six or fewer people.

Mr. Giles said the State of Arizona provided an exemption for people with developmental disabilities in homes licensed under the division for developmental disabilities. Homes including six or fewer people were not required to have sprinkler systems. The Behavioral Health Coalition was seeking the same exemption with behavioral health diagnoses because they needed facilities in therapeutic foster care and very small group homes to run like a family style home. He stated it was the Arizona vision that children and young adults are treated in the context of a family that resides in residential homes and look like any other homes. *The Federal Fair Housing Act* provides that these homes could exist in any residential area. Each one of those homes either was regulated by either the Department of Economic Security Office of Licensure or the Department of Behavioral Health, and fire safety codes were already in place.

Mr. Giles said there were fire drills and a number of other procedures in place including the requirement that there be “awake at night staff” to ensure that all people could get out of a facility in the event of an emergency. Many of the facilities had to be rented, and the cost of sprinkler systems in rented facilities would be around twenty thousand dollars. Southern Arizona was leading the State in providing the opportunity to allow Tucson citizens to live in the Tucson community. It was important to the City not to put a deterrent in the path of that happening. He said that was confusing. Even if an amendment would be put forth, the existing homes would be exempt and it would be applied to newer homes that would be rented. Mr. Giles said if a conclusion could not be drawn on the issue, they would ask for either a sixty-day moratorium or to table it with the opportunity to come forth with an amendment that would allow the Behavioral Health System to provide housing in existing residential zoning areas with six or fewer people, both retrospectively and going forward.

Larry Hecker said he was an attorney for the Community Partnership of Southern Arizona, which was the regional behavioral health authority in Pima County and the four southern counties. It was responsible for administering State and Federal behavioral health dollars. He echoed what Mr. Giles said. Community Partnership of Southern Arizona (CPSA) saw group homes as critical to the effective treatment of persons with behavioral health disorders. It gave them an opportunity to receive treatment in a residential setting rather than an institutional setting. It allowed them to lead a meaningful life outside of an institution. Mr. Hecker said safety was critical and believed that with the controls imposed with the Department of Health Services, safety issues would be dealt with and could be dealt with in a meaningful way. He asked that this portion of the *Fire Code* be continued for thirty or sixty days to allow further discussion of the issue.

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

Council Member Uhlich said she would be offering a motion that would reflect the comments presented; she opened by thanking the Tucson Fire Department staff and citizen advisors for all their solid work. She said she did not want to let this single item snag or delay that good effort. She asked the City Attorney for direction regarding a motion and suggested a thirty-day period to ensure that the issues could be worked out. She was confident that the Community Partnership of Southern Arizona (CPSA) had consumer stakeholder input and also wanted to make sure that consumer input was part of that process.

Mr. Rankin, City Attorney, suggested that the Mayor and Council proceed and adopt the *Fire Code* as presented and give additional direction to staff to return within the time frame that the Council determined to consider the proposed additional exemption as related to behavioral health providers. The *Fire Code* could go forward, but they would allow for additional input and consideration of the request.

It was moved by Council Member Uhlich, duly seconded, that Ordinance No. 10437 be passed and adopted, and gave additional direction to staff to return within thirty days to consider the proposed additional exemption as related to behavioral health providers to allow for additional input and consideration of the request.

Council Member West said she was confident that the groups had met and come a long way; therefore, thirty days was sufficient. She also thanked Dan Uthe, Deputy Chief/Fire Marshall, and Dan Newburn, Fire Chief, for their work, stating it was a difficult situation. She said it was more than generous to allow the thirty-day extension, considering the groups had three years to comply with this part of *Code* and asked if Deputy Chief Uthe had any comments.

Dan Uthe, Deputy Chief/Fire Marshall, said that Council Member West's statement was correct, and implementation was three years from the date of adoption.

Council Member Trasoff said she understood about the three-year period, but for non-profits that worked on a very close budget, that was a lot of money to have to put forward eventually. She said one of the things that swayed her was the fact that the State made exemptions for developmental disabilities, and there were greater challenges in event of a fire. As long as there was adequate staff, which included the "awake at night staff", she was open to consider this discussion in thirty-days with the possibility of having exemptions and sufficient input from the advocates on behalf of the clients. She asked Mr. Rankin if they moved forward as is, and because there was the two-year permit which would give everyone plenty of time to consider it, was it correct that there would not be a burden placed on those homes in the meantime?

Mr. Rankin said she was correct, because there was a waiting period before the compliance period would be over.

Council Member Trasoff said Mr. Giles and Mr. Hecker raised important points. The Council was aiming for developmental disabilities and behavioral health homes to have living situations as normal as possible, and she did not want to see the Mayor and Council take any action on limiting that condition. She respected the work that was done and it was important that they focus on the safety of those most vulnerable, balanced with the effort to help people live the fullest possible lives. She said she would not like to see the Council's actions make it impossible for non-profits to be able to operate six persons or fewer in homes, which would be the optimum, and begin to re-institutionalize people by forcing them to go to larger homes. This was a balance she was hoping for and hoped that thirty days was sufficient time.

Mayor Walkup asked the City Attorney what would be brought back in thirty days and what action would be required, if passed.

Mr. Rankin replied that a proposed amendment to Section 903.02.07 of the *Fire Code* would be brought back.

Mayor Walkup asked if that would require a public hearing or would it be brought back as a single amendment.

Mr. Rankin said it would be brought back as a single amendment. If the motion would be to include it as a public hearing, the Council could do that but said it was not required.

Council Member West said she thought this part of the *Code* did not become effective unless there were six or more people in the facility.

Deputy Chief Uthe said it was more than five, but that exemption would make it more than six for behavioral health groups.

Council Member West said then if it were an exception, it would be more than six people in a home, and said the point Council Member Trasoff made would be taken care of. She emphasized the importance to the behavioral health people of having adequate staffing. If this exemption were allowed, everyone would be taking a lot more risk and responsibility. It would behoove both parties to make sure there would be adequate staffing at all times in those facilities. Therefore, in the event there was an emergency evacuation, it would be safe and carefully planned.

Mr. Rankin reminded the Council because of summer schedule, thirty days would put this item between meetings. However, if they wanted this item to return in August, they would accommodate the request.

Council Member Uhlich asked Mr. Rankin and Deputy Chief Uthe what would be the best time frame. Would the next meeting be adequate time to work with the stakeholders?

Deputy Chief Uthe thought they could have everything ironed out by then, but cautioned what they were asking for should be addressed in the *Building Code* and not the *Fire Code*. They were asking for a change of classification, which would be addressed by the *Building Code*.

Mr. Rankin said they would bring back any cross-references that would be required for the *Building Code*, so the two *codes* could operate in harmony.

Council Member Uhlich said this would give the City the opportunity to make sure everyone was on the same page and all the technical questions would be addressed. She asked if this should be addressed at the August 6, 2007 meeting and what would be the best way to make a motion.

Mr. Rankin suggested the first meeting in September would be safer in the event the Technical Code Committees would need to review anything.

Council Member Uhlich withdrew the original motion that Ordinance 10437 be passed and adopted and gave additional direction to staff to return within thirty days to consider the proposed additional exemption as related to behavioral health providers to allow for additional input and consideration of the request.

It was moved by Council Member Uhlich, duly seconded, that Ordinance 10437 be passed and adopted, and to include additional direction to staff to return by the first meeting in September to consider the proposed additional exemption as related to behavioral health providers to allow for additional input and consideration of the request.

Mayor Walkup asked the City Clerk to read Ordinance 10437 by number and title only.

Ordinance No. 10437 relating to *Fire Code*, amending the Tucson Code, Chapter 13, Fire Protection and Prevention, Section 13-3 *Code Adopted by Reference* by adopting the *2006 International Fire Code* with local modifications as the *Fire Code* for the City of Tucson; and declaring an emergency.

Upon roll call, the results were:

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

Nay: None

Ordinance 10437, as amended, was declared passed and adopted by a roll call vote of 7 to 0.

Council Member Trasoff asked if the draft should include verbiage to cover staffing issues by the Arizona Department of Health Services or would the Council need to be explicit that if this waiver were granted, then it would need to be with certain staffing issues.

Mr. Rankin explained the write-up would be explicit as to what it would cover. The draft that was contemplated that evening would require them to be currently licensed through Department of Health Services or Department of Economic Security; and those licensing requirements would bring all the state regulatory compliance with it.

Council Member Trasoff asked if that would include staff in training.

Mr. Rankin replied that it would.

## **9. PUBLIC HEARING: TUCSON CODE (CHAPTER 6) ADOPTION OF THE NEW AND UPDATED BUILDING CODES**

Mayor Walkup announced City Manager's communication number 423, dated July 10, 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 adoption of the *building codes*. The public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations.

Kathleen S. Detrick, City Clerk, announced that staff had a brief presentation before beginning the public hearing.

Ernie Duarte, Development Services Director, advised the Mayor and Council that up for consideration were updated *codes* in four areas. He clarified that there were two *Plumbing Codes* up for consideration, both the *2006 Uniform Plumbing Code*, as well as the *2006 International Plumbing Code*. Staff's recommendation to the Mayor and Council was that the primary code be the *Uniform Plumbing Code*, with the *International Plumbing Code* being as the approved *code* applied with an appeal with the building official as an alternate means of construction.

Jay Tripp, United Association of Plumbers and Fitters Local 741, said he appreciated clarifying the recommendation. He was trying to get a firm answer as to which *Code* was to be considered the primary *Code*. He was in support of the adoption of the *2006 Uniform Plumbing Code*, the *International Plumbing Code* and the updated *Building Codes* that would better serve the community by providing the safest *Code* package for their constituents. He also said he appreciated the Mayor and Council for their support.

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 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 Ordinance 10436 by number and title only.

Ordinance No. 10436 relating to Buildings, Electricity, Plumbing and Mechanical Code; amending the Tucson Code Chapter 6, Buildings, Electricity, Plumbing and Mechanical Code, by Article V, Plumbing Code, Section 6-124, Plumbing Code adopted, by adopting the 2006 International Plumbing Code 2006 Edition with local amendments and the 2006 Uniform Plumbing Code with local amendments; amending Article III, Buildings, by adding a new Division 2 consisting of Section 6-66, existing Building Code, by adopting the 2006 International existing Building Code with local amendments; amending Article VI, Section 6-164, Mechanical Code adopted, by adopting the 2006 International Mechanical Code with local amendments; establishing penalties; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced that Michael Rankin, City Attorney, had an amendment to announce on the item.

Mr. Rankin said the amendment was actually related to the same item regarding sprinklers in existing building. Since the Council had already taken action on that, there was no other action to announce.

It was moved by Council Member West, duly seconded, that Ordinance 10436 be passed and adopted and the proper action taken.

Ms. Detrick asked for clarification that there was no amendment to Exhibit "C" to Ordinance 10436.

Mr. Rankin said that was correct.

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 10436 was declared passed and adopted by a roll call vote of 7 to 0.

**10. PUBLIC HEARING: MAJOR STREETS AND ROUTES PLAN AMENDMENT – SOUTHEAST MAJOR ROADWAYS (CONTINUED FROM THE MEETING OF JUNE 19, 2007)**

Mayor Walkup announced City Manager's communication number 426, dated July 10, 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.

Michael Toney said the Southeast Area Arterial Study was discussed back and forth by the Planning Commission and the Pima Association of Governments. He said the Planning Commission had not considered the state of the aquifer and the state of the Central Arizona Project (CAP) water situation. No one was prepared that the rising population with the increased infrastructure would cause such a high demand of copper and the amount of water supply shortage. He also stated that with the mining of the copper, there would be sulfuric acid left to leech into the Tucson water system.

Michelle Muench representing the Arizona State Land Department said the State Land Department was in support of staff's recommendation.

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 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 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 he originally asked that this item be continued a couple weeks ago, and that they also sent the item to Study Session to be discussed before coming back - after leaving the public hearing open. The series of issues under this item encompassed approximately one hundred fifty-five thousand acres. The *Major Streets and Routes (MS&R)* portion had right-of-way sections that in some cases were three hundred feet wide, as wide as freeways. The question was asked regarding when these roads come north to marry up with the existing City systems. He wondered if all the arterials, which went through the existing city neighborhoods, needed to be widened to be equal to it. He asked what effect it would have to the area neighborhoods and the businesses. He said they did not have an answer to that. When the question was asked regarding the cost of the entire infrastructure, there was no answer.

Council Member Leal said the second question was regarding the impact fees that typically would pay for modifying existing infrastructure to accommodate the pressure of new development. In this case, there was no infrastructure to expand. The question was whether a different set of impact fees would be necessary to pay for everything, and not just augmenting something pre-existing. Tucson Water today served seven hundred seventeen thousand people with a one hundred twenty-five thousand-acre feet of water a year. This proposal referenced six hundred fifty thousand people that would be on the land effectively doubling the City's population without having the ability to double the amount of water the City had to provide. He stated those five or six different variables have been looked at as though they were all equal, then went on to the next one. He said that was not the way it should be done. The way to do it would be to pick out the variable which had the greatest limiting factor, then the next.

Council Member Leal said the first thing Mayor and Council should be dealing with was water, and not roads. For decades Tucsonans have asked why the City did transportation planning before doing land use planning. Finally, everybody agreed that was true, it should be done the other way around. Yet, this proposal had the Mayor and Council looking at transportation planning first, and created expectations on part of the development community and the State Land Trust. Ninety percent of the land was State land that they wanted to sell.

Council Member Leal said members of the Planning Commission voted on this because they were told the Mayor and Council wanted it, which was not true. The Council was told they should vote for the item because the Regional Transportation Authority (RTA) and the Pima Association of Governments (PAG) voted for it. He said that was beside the point because the RTA and PAG had a limited frame of reference by which they analyzed this. The Mayor and Council, on the other hand, were the ones responsible to the people of Tucson, and were elected to bring the full range of issues to bear on judging the issue, not just whether transportation worked but the environmental issues, the impact fee issues, and all issues pertaining to sustainability. He said the issue should have come to Mayor and Council first, not last.

Council Member Leal stated the members of the Planning Commission, as well as members of the public, requested that the Council remand this issue back to the Planning Commission, so that it could be dealt with in a way that was coherent. Then it would come back to Mayor and Council, so that they would have the comfort level to know they were not inadvertently putting themselves in a box or making bad decisions. Council Member Leal said that was what they discussed in study session and thought those arguments made sense.

It was moved by Council Member Leal, duly seconded, to remand the *Major Streets and Routes (MS&R) Plan* back to the Planning Commission for their further review.

Council Member West said while Council Member Leal made some very compelling arguments, she also recalled the Houghton Area Master Plan (HAMP) process, in which they were told there would be two hundred fifty thousand people living in the HAMP area. When they actually looked at the topography of the land, it turned out that about a third of those could actually live there. Therefore, the six hundred twenty three thousand persons in year 2078 may or may not be. She fully agreed that water would be an issue. However, she said what they were being asked to do was a conceptual plan and said the process had just started and could be changed as it went along. Council Member West said she thought Council Member Leal had a fair question about the widening of the roadway and asked staff to address what would happen to the neighborhoods and environmental areas.

Albert Elias, Urban Planning and Design Director, replied that the future right-of-way width identified in the map amendment would only apply to this area. The existing right-of-way width in the other areas was not proposed to change. He said there would have to be transitions, but the roadway network would not be built out to its full width in the beginning. Typically, the roads would be built incrementally, one limited section at a time, and that would be based on need for those roadways.

Council Member West asked if this item had been before the Pima County Board of Supervisors, and asked what the results were.

Mr. Elias replied the item had not come before the Pima County Board of Supervisors and that Pima County was preparing a similar amendment to go through their approval process. The item ultimately needed to be approved by the Pima County Board of Supervisors.

Council Member West said she was concerned about remanding this item back because of the vote of the Planning Commission. She felt there was confusion on the part of the Planning Commission. She wondered what good it would do to send it back to them and asked what instructions were given at that meeting.

Mr. Elias said the responsibility of the Planning Commission was to forward a recommendation to Mayor and Council. The Planning Commission spent a considerable amount of time on this issue, and it was discussed at three different meetings. Many of the issues and concerns raised by the Council were issues that were equally raised by the Planning Commission. They provided the recommendation for approval on an 8 to 2 vote, after considerable discussion of all the issues.

Council Member West said she spoke to her Planning Commission members who confirmed what Mr. Elias said. She said they felt there was some concern about the environmental planning, but the main concern was that the planning process would begin right away.

Mr. Elias referred to the Planning Commission's recommendation, attachment "B" in the materials, where it noted the Planning Commission referencing that additional planning should take place in the area. He said each step of the planning process provided more information and would allow for better decisions in the long-range development of this area. Mr. Elias said it would be years before this area was fully developed because it was so large. Each planning process was an important next step because they all built on each other.

Council Member Leal said when Mr. Elias responded to the question presented by Council Member West regarding the three hundred foot right-of-way with the roads coming north, he questioned if that would necessitate widening city streets in the existing parts of the city. He said Mr. Elias replied that was not being proposed. Council Member Leal said what that meant was that it was not being proposed at the present time, and the right-of-ways were not going to be used but could be used later. He said the answer to the question, which he said Mr. Elias did not answer, was "yes, those roads in the future could be widened in the City." Council Member Leal said when the City and the Regional Transportation Authority (RTA) saw that Oro Valley and Marana were making arterials coming south into the City limits, the City and the RTA were forced to have City streets widened to go north, to marry up to them, so that it would not create a bottleneck problem. He said that was the answer to the question.

Council Member Leal said the second issue was that when the Planning Commission voted on this issue, it was under duress. Three of the Planning Commissioners said they were going to vote against it but said Mr. Elias told them that the Mayor and Council wanted it. They felt they were pushed into it, and if it was going to proceed, they needed to begin right now. He said they should not describe a position of resignation and compromise as one that was laudable. Once the Commissioners realized the potential consequences and the Mayor and Council really did not have an expectation or desire that they do this, the majority of the Planning Commissioners said they wanted this issue to come back to them. He said they were not under duress timewise to push this forward.

Council Member Uhlich said it was important that all members of the Council take the opportunity to read the minutes of the Planning Commission. There were written records and she suspected tapes were also available. She said it was important that the record be alluded to. Given the Planning Commission's recommendation that the Council proceed with a final vote and immediately engage in comprehensive planning for the area, she asked Mr. Elias how that would be integrated into staff's recommendation, as that was what the advisory committee was telling them to do.

Mr. Elias said they tried to address that in attachment “C” in the materials. In that attachment, the key planning issues were outlined. He said some of those issues such as water, the cost of infrastructure, environmental and land use issues, and roadway issues were discussed earlier. Their recommendation was that planning activities be programmed in all of those areas in the coming years to prepare for future development in the area. He suggested if the Council wished to talk about specific planning considerations, it would be appropriate for the Council to do that and to provide staff with direction.

Council Member Uhlich said the dialogue needed to be clear and explicit. The ordinance should state it would be subject to change and update to directly tie back to the plans and actions of Mayor and Council and to keep expectations in check until the entitlement phase and until roadways were set. She brought up another challenge and told Council Member Leal he had always been helpful to her in questioning unintended consequences when she has held a position. She said she wanted to better understand if there might be any unintended consequences of the Council delaying the issue in any way, or for example not adopting such wide right-of-ways. They clearly could make the right-of-ways narrower. She said it was her understanding that if the Mayor and Council approved density in these areas in the future, through zoning and other actions, part of the impetus would be so that they would have set in place what was needed to acquire the potentially needed right-of-ways. She was concerned if delaying action would create rising costs and other implications. She asked what unintended consequences would there be if the Council did not take action on this item.

Mr. Elias said Council Member Uhlich raised a good point. Typically, when a development area would identify a future right-of-way, they would want to have the maximum right-of-way width needed. At some point in the future, after the entitlement process was completed and the need for the maximum right-of-way was not needed, it would be easier to go from the largest number downward. The problem would occur when a *Major Streets and Routes Plan* identifies a developmental area as a smaller right-of-way when a larger right-of-way was needed. The cost to acquire that right-of-way in the future would be at full market price, which would impact the cost of the roadway.

Council Member Uhlich said that was what Mayor and Council were trying to sort through and wanted to make sure that whatever they adopted, they should be explicit about those things that were conceptual.

Council Member Leal said the issue of saving the City money in terms of acquiring future right-of-ways was a legitimate argument if all the property was privately owned, and it was not; it was State Trust Land. The need to determine the width of right-of-way was not needed immediately until the State was ready to go to sale. It did not have to be done at that time to create the protection that Mr. Elias was talking about. It just had to be done before the State sold it.

Vice Mayor Scott mentioned that the State of Arizona had recently designated Tucson as having a one hundred-year water supply produced by a memo written by the Water Director. By saying that water was an issue was the truth, but they had to take into account the facts that the State of Arizona would not take the risk of giving them that designation if it in fact was not true.

A substitute motion was made by Vice Mayor Scott, duly seconded, to pass and adopt Ordinance 10427.

Mayor Walkup asked if there was any further discussion.

Council Member Leal questioned the comment made by Vice Mayor Scott. He said Vice Mayor Scott could assert that because the Water Director wrote a memo stating there was an assured water supply, based on Tucson's population at the present time. It had nothing to do with whether there would be an assured water supply if they put six hundred fifty thousand people on a one hundred fifty-five thousand acres in the City.

Vice Mayor Scott replied that was anticipating growth. It included the growth.

Council Member Leal disagreed.

Vice Mayor Scott replied they could agree to disagree but said it was her understanding that the State and the Water Director's comments were the same as her comments.

Council Member Trasoff commented on the original motion and concurred with Council Member Uhlich regarding making the assumption or presumption on the maximum growth of roadways. She said the Council might want to have some say in what they wanted the maximum set as. This needed to be planned with intelligence and cooperation with the County. She questioned if the *Major Streets and Routes Plan* would have to be the impetus for the planning process to begin. She wondered if the planning that would begin could include the *Major Streets and Routes Plan* as part of the whole process as well as working concurrently with environmental planning, water planning and intelligent growth. She said she would feel more comfortable sending this item back to the Planning Commission to consider a total planning process rather than the impetus being *Major Streets and Routes*.

Mr. Elias suggested that there were a number of planning processes that were already in place. He referred to the City's *Habitat Conservation Plan*, which included a study of the area, and said it was already underway. There was more work to be done and would take a few more years. He mentioned the Pima County Flood Control District, which was undertaking the *Lemore Wash Watershed Study*, a critical piece of information, which was slated to end sometime next summer.

Mr. Elias said all the planning processes were not necessarily meant to be linear. They would not have to wait until one planning process was complete before beginning the other. As the Council pointed out, he said they all needed to come together, before the Council made any decisions about entitlement. That would be the last step in the process. Those planning activities and projects could then go on their way, and that information could help inform the ultimate decisions that the Council makes about development, specifically in an entitlement process. Before the Council even does that, additional detailed planning work would need to be completed because this was such a large area. Mr. Elias said they were still at the coarse grain level, and as time went on, they would be refining that planning work in more detailed areas.

Council Member Trasoff asked if they could table this item for thirty days and return for a Study Session to outline all of the planning processes that were going on to further understand the coordination that the *Major Streets and Routes Plan* as one part of the balance.

Council Member Ibarra commented that this item was reviewed at different meetings and the same questions were asked. At some point there had to be a decision and that decision would be to move forward with the item or to send it back to the Planning Commission with a specific date to return and very specific directions that needed to be considered. He said if the Council remained general with the issue, they would not move anywhere. He understood what Council Member Trasoff was saying but felt that if they continued the item, they would be in the same spot with the Planning Commission.

Council Member Trasoff said the reason many of the same questions were being asked was because the answers received were not giving them the balance they wanted. She said the information Mr. Elias just gave them was a different perspective on how much was going on concurrently. She would still be comfortable either with her suggestion of thirty days or very specific direction to the Planning Commission that relates to the questions that had been asked at the table.

Council Member Uhlich said she wanted to make sure that planning was a part of this action. She suggested the Council move forward and pass and adopt the *Major Streets and Routes Plan*, make it explicit in the ordinance that this would be subject to amendment as comprehensive planning commenced, and direct the Planning Commission to begin planning now. That would allow this item to move forward to secure these right-of-ways and make it clear that this planning had to start with the intention to shape this growth rather than to have it shape the Council.

Vice Mayor Scott concurred and agreed to include all the verbiage and to include the statement made by Council Member Uhlich. She wanted to assure everyone that there was a tremendous amount of work considered on all issues that were discussed and this was just another piece in the process. As the process developed, more detail and refinement would be worked into each process.

Council Member Leal said the Planning Commission could work on part of this, but some of the issues were not part of their purview. Staff and subcommittees would still need to deal with some of those issues. The problem was in the order of things. If the City were to first start with land use, it would be setting up the City for the worst case scenario. He discussed the present and future water situation and said he was upset with staff. He said they were being put in a position of dealing with things in such an irresponsible way and should not be confronted with voting on the *Major Streets and Routes Plan* right now. The hardest issues should be dealt with first. When that was done, move on to the next hardest issue. Since there was not any pressure to vote on this item that evening, he said it would be best to slow down and accommodate the public by not voting on the *Major Streets and Routes Plan* that evening.

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

Kathleen S. Detrick, City Clerk, announced that the City Attorney would propose an amendment that was consistent to the motion maker and the language to accommodate the second motion maker.

Mike Rankin, City Attorney, read the following amendment to Ordinance 10427 that would add a new Section 4 to the ordinance, which would read, “This Ordinance and the attached Exhibit “A” are subject to future amendment by the Mayor and Council, as related comprehensive planning efforts and decisions to proceed.”

Ms. Detrick asked if that was acceptable to the maker of the motion and the second motion maker. Both motion makers said it was acceptable.

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

Ms. Detrick read, “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”, with the amendment read into the record by Mr. Rankin.

Upon roll call, the results were:

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

Nay: Council Member Leal

Council Member West said she wanted to explain her vote, stating it was absolutely inaccurate to say they would not be able to use groundwater in 2025. There would have to be a balance between groundwater and renewable water supplies.

Ordinance 10427 was declared passed and adopted by a roll call vote of 6 to 1, (Council Member Leal dissenting).

**11. PUBLIC HEARING: ZONING (C9-01-33) LODGE ON THE DESERT - ALVERNON WAY, O-3 TO C-1, FIVE YEAR TIME EXTENSION**

Mayor Walkup announced City Manager's communication number 414, dated July 10, 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 an extension for the completion of the rezoning conditions. He asked if the applicant or representative were present and if they were aware of and agreeable to the proposed requirements.

Applicant was present and agreeable to the conditions.

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.

Chris Osterman said he felt that, overall, the Lodge on the Desert was a great asset to the neighborhood and to Tucson as a whole. His only concern was that his property was fifty-feet from the dumpster. Doubling the size of the lot would increase the size of the garbage collection point. He said he hoped the architects for the Lodge on the Desert would take that into consideration when they do their final design. The ventilation fans from the kitchen also produced a considerable amount of noise, and he asked the designers to look into a way to muffle the noise.

Michael Toney said he did not realize the Lodge on the Desert was so close to homes. His concern was, as infill would proceed, the environmental aspects of the encroachments would not interfere with the native Sonoran desert vegetation and that there would be an enhancement that would encourage architectural design to use natural vegetation. He hoped the residents who have lived in that area for a lengthy amount of time would be happy with the improvements.

(Vice Mayor Scott departed at 7:30 p.m.)

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 Trasoff, duly seconded, and carried by a voice vote of 6 to 0, to close the public hearing (Vice Mayor Scott departed at 7:30 p.m.).

Council Member Trasoff said since there were seven written approvals and only two protests over a five-year span that spoke well for the project. As the project moved forward, there would be another public hearing to address concerns such as the concerns voiced by Mr. Osterman. This would also give the public the opportunity to express other concerns that could be considered in the final plans.

Albert Elias, Urban Planning and Design Director, said the issues related to the design of the garbage service and dumpsters would need to be resolved by the applicant in their development plan prior to returning with an ordinance. The public hearing was being held because five years had passed since the original public hearing. In order to allow the applicant additional time to secure development approval and get an ordinance back to the Council, the public hearing was required. There would not be another public hearing required when the ordinance came back.

Council Member Trasoff said there would be meetings with the neighborhood to address concerns such as those of Mr. Osterman. She also thought the advice regarding environmental enhancements made by Mr. Toney was a good suggestion and hoped those concerns and improvements would be addressed before this item returned to Mayor and Council.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Scott absent/excused) to approve the request as presented by staff.

Dan Donahoe, the applicant, spoke in response to the concerns voiced by Mr. Osterman. When he bought the property, he had inherited the dumpster problem and shared the same concern as Mr. Osterman. The entire area was being completely eliminated, and a new building would be built including a new safe trash environment that was being designed.

**14. ZONING: (C9-05-04) P&L GROUP – AJO WAY, R-1 TO R-3, ORDINANCE ADOPTION (Taken out of order)**

Mayor Walkup announced City Manager's communication number 396, dated July 10, 2007, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10433, by number and title only.

Ordinance No. 10433 relating to zoning: amending the zoning district boundaries in the area located at the southwest corner of Ajo Way and Pandora Avenue in Case C9-05-04, P&L Group – Ajo Way, R-1 to R-3; and setting an effective date.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Ordinance No. 10433.

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;  
and Mayor Walkup

Nay: None

Absent/Excused: Vice Mayor Scott

Ordinance 10433 was declared passed and adopted by a roll call vote of 6 to 0,  
(Vice Mayor Scott departed at 7:30 p.m.)

RECESS 7:43 p.m.

RECONVENE 7:52 p.m.

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
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

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

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

**12. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 3) RELATING TO GENERAL REFORMATTING AND REVISIONS TO THE TUCSON SIGN CODE (CONTINUED FROM THE MEETING OF JUNE 26, 2007)**

Mayor Walkup announced City Manager's communication number 427, dated July 10, 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 *Sign Code*. 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 Michael Rankin, City Attorney, to address the audience on this issue.

Mr. Rankin, City Attorney, said he thought it would be helpful to remind the Council where they were at with respect to this item before they took public comments. There was no action contemplated that evening in terms of adoption of the *Code* itself. Based on the Council's direction at the last meeting, staff had taken steps to break the proposed new *Sign Code* into two phases. The first phase was to be the reformat and changes that were non-substantive in nature. He said they had already been directed to bring that back to the Council in August for further discussion and action.

Mr. Rankin said the second phase was with respect to substantive changes related to signage allowances such as what signs were permitted and where. With respect to those changes that received some comments at the first part of the public hearing, and as directed by Council, comments would be returned to the Citizen Sign Code Committee for further discussion and then subsequent presentation to the Mayor and Council for their consideration.

Mayor Walkup called on the first speaker and asked if a speaker agreed with the previous speaker they could come to the podium and say they agreed with the previous statements, thereby reserving some time for future speakers.

Evelyn Rick, representing Munger-Chadwick, said she was not a resident of Tucson but was a retained speaker on behalf of Clear Channel Outdoor, Inc. Prior to the last public hearing, Clear Channel had gone through the proposed *Sign Code* and saw a lot of substantive changes. Clear Channel found a few they wanted to comment on, especially because they felt they were substantive in the way the City was treating the signs, mostly the ones that were already existing in the city, not just limited to billboards, but any kind of signs. They provided written comments on those issues. She said they decided not to speak at the last meeting because after she heard what the Council had to say, she was confident that all those substantive changes would be removed in the version that was to be considered. She said just the day before they received the staff's version, the reworking of the *Sign Code* and every single one of the substantive changes was commented on was still there, exactly as before. Therefore, all of their previous comments still applied, only the section numbers had changed. That was despite the direction that was given; and it was not what she understood would happen.

Ms. Rick said they had three points to make. First was that the staff did respond to some of their comments. Many points were about the legality, what Clear Channel felt might be legal problems with changes. The response from staff to the comments said that the City Attorney had advised that the changes were legal. She said they disagreed and the City knew they disagreed because they received a letter. There were also a couple of issues where they were either in litigation with the City now or had been in the past on those issues. There had been disagreements for some time, and yet those changes were still there.

Ms. Rick said the second point was the message that was being sent, including those issues, was that the commitment to have stakeholder input and public input was not there. She said the City was expressing that they could go ahead and make changes regardless of whether something was controversial. They did not want public input. She said if they did not like it, then it was a case of “see you in court.” Maybe that was where they would be.

Ms. Rick said the third point was not the message she heard at the last Mayor and Council meeting. The message she heard was that if there was something that someone had commented on or where they felt it was a substantive change with the way things were handled, there would be a process where stakeholders could have public input and review, and have a chance to talk about it. That was what she heard and what she would like to see. She said a portion of the comments expressed the last time were procedural problems as far as stakeholder participation. They were seeing those procedural problems being added to this, and they would like to get input.

Ms. Rick said she also wanted to address some of the comments they made, such as the way that existing signs were treated. There was a new definition in the *code* about discontinued signs. If the Sign Code Administrator thought a sign was not being used based on any factors he could think of, he could declare that it would be discontinued. He could have the sign taken down immediately and not give notice to the owner of the sign, just to the property owner. If there was a business on a lease and Clear Channel generally used leased property, but there was also other business owners out there, they could just remove the sign. There was a new provision that was not in the code before which said the sign code administrator could remove signs in the public right-of-way without any notice, without any due process, without having a fair determination of whether it was actually in the right-of-way, and without any compensation. She thought those were issues that needed to be talked about.

Ms. Rick stated staff’s report indicated they wanted more direction from the Council as far as what to do with the sign code. Ms. Rick thought the direction should have been to take out all the substantive changes, not only the ones that she discussed - but all of the changes. She said changes that were considered to be non-substantive should require a review process.

Council Member Trasoff asked if there were any substantive issues that were remaining.

Mike Rankin, City Attorney, said the working version of the reformatted phase of the *Code* was posted online. He said he thought there would be judgment calls and perceptions about what was substantive and what was not substantive. A provision in the new *Code* would allow the removal of illegal signs placed in the public right-of-way without a permit that presented a hazard to the public. That was a power that the *Code* official already had under other *Codes*, but it was being expressly set out in the *Sign Code*. It was continued because staff made a judgment call which was appropriate in that first phase of changes for the Council to consider.

Lupe Rodriguez said that she was part of the Fairgrounds Neighborhood Association, and the *Sign Code* had always been like a little sticker in their community. Not only did billboards overwhelm them, but also they were also overwhelmed by banners and A-frames. It was one of the little things that made their neighborhood's quality of life a little bit harder.

Ms. Rodriguez said they have tried to work with people who had liquor banners posted or nailed to the wall. She understood that the distributors made the banners and they are placed around the little grocery stores and service stations. The signs are put up, but they never seem to be taken down. If they are taken down, they are replaced with larger signs. She said that they had liquor banners, payday loan banners, and other vendors with their banners; and the association had always wondered what could be done about it. Sometimes when they would talk to the store and the grocery storeowners, they would just shrug their shoulders. Other times when they would go and talk to the owners of the service stations, the owners would be a little bit more cooperative. Yet all in all, the banners had always been a very detrimental part of their lives. They were part of an area on 6th Avenue, then across from them was National Cities, and on either side of their neighborhood was Sunnyside and Wakefield Neighborhood. They all had the same problems.

Ms. Rodriguez said she thought it was more than being just a nuisance but filtered down to quality of life. Liquor banners and payday loan signs also affected their quality of life. The Council needed to take another look at this before they proceeded.

Gayle Hartman said she would not speak to the technicalities of the *Code* but just a bit to the philosophy behind *Sign Codes*. They have had a long history in the city regarding the negative impact of signs. She said they cluttered things up, they covered up views, sometimes they caused light pollution, and they were just plain unsightly. Several states did not have billboards. Those were states where tourism was very important, as it was here. Ms. Hartman said it was important to look in the direction of signs being fewer and smaller, not more and bigger. She said any changes in an ordinance should be viewed in that direction. She knew there were legal issues involved, and they just could not go and cut all the signs down. The said there had been a lot of discussion about signs and thought the general opinion was that they really wanted them to go away as much as possible. She requested that the Council keep that philosophical point of view in mind when dealing with sign questions.

Jean-Paul Bierny said he was still concerned by some of the substantive changes that were still present in the reformatted version. One of the changes was the tall - large pole signs, which were to be downsized to current standards when a change of use occurred. That change was stricken from the present version.

Mr. Bierny also said the Sign Code Advisory and Appeals Board would no longer be restricted from granting variances that would allow freeway signs to be taller than forty-eight feet, and/or larger than three hundred sixty square feet. Some segments of the business community obviously wanted to turn the city into a jungle of commercial signs

but that was not the way the majority of the citizens wanted to live. According to the current version, the scenic route provisions, flashing signs and electronic signs would still be allowed along scenic routes; that was just not acceptable.

Mr. Bierny stated there appeared to be an increase in the total allowance for signage for non-residential users in single-family residential neighborhoods. He said he was sure this would not go over very well for his neighborhood or many other neighborhoods in town. He thought a major underlying problem was the membership composition of the Sign Code Advisory and Appeals Board. When he looked at that list, he saw many people who were heavily in favor of additional signing all over town. He said he would like to see a more balanced composition to the membership of the Board.

Chris Tanz said she would like to endorse what the two previous speakers had said without adding to it.

Lee Oler said she was representing the Sierra Club. She showed the Mayor and Council a picture of the Catalina Mountains, but said the Council could not see it, because of the double billboard in the way. She said the billboard was near the freeway, and she would rather look at the mountains than the signs. Ms. Oler suggested removing all signs. Pennants, balloons and other advertising caused sensory overload in the opinion of the Sierra Club and caused too much visual pollution. Also, banners, balloons and smaller signs added clutter on the streets. A temporary sign was one thing, but if they were enforced, they would be temporary. Some of these things that she had seen had been up for over a year, such as going out of business signs. She said she had seen them for over a year.

Ms. Oler said another interesting thing she did not mention last week was that Clear Channel Outdoor would assist the city with the *Sign Code*. Currently there were over two hundred Clear Channel billboards in Tucson that were subject to code enforcement action in the Superior Court. She also wanted to mention that she thought the scenic routes were more important than the signs that people want to put along them, and hoped that they all agreed on that. Billboards were not beautiful. This was a tourist town. Sierra Club wanted to make the most of our beautiful town. Signage along the streets and skyways was not the way to go.

Kathleen McLaughlin said she was there to support what others had said about the substantive changes that still existed in the *Sign Code*. She said they would like to see those taken out, and the *Sign Code* reformatting accepted by the Council, and then those substantive changes identified and discussed at length. She said others would speak to the points that had not been made, but she wanted to give an overall view and go back that were brought up two weeks ago. She said she was a native Tucsonan; her dad was born here in 1922 and her grandparents came here in 1918. She saw the special qualities of Tucson dissipating and it was through the watering down of things like the *Sign Code* that was occurring.

Ms. McLaughlin said Mark Mayer had been at the forefront of making Tucson looking as good as it possibly could because he was the one who kept track of how the changes would impact on the city. She first became interested in the *Sign Code* in 1985. At that time, balloons, pennants, banners, electronic message centers, and A-frames were all prohibited sign types. That has all changed in the last twenty-two years. She said signs had become a visual clutter instead of a form of identification that all businesses needed. She said she was not against signage, but against the unfairness of signage when signage turns into advertisement. She said signs were saying, "This was what we had to sell, come in and buy it," instead of saying, "Here we are. Here is our business."

Ms. McLaughlin said the enforcement of the *Sign Code* was divorced from the sign department and given to neighborhood resources. What happened, she felt, was that people in the sign department threw up their hands and say it was out of their hands; enforcement was the problem. She asked the Mayor and Council to revisit the possibility of bringing enforcement back to the sign department because they know the *Sign Code* best.

Brent Davis said he supported the previous speakers. He congratulated City staff for removing some of the substantive changes, which he thought it was a good step. However, there were three or four technical changes that still needed to be addressed. He commented on one of the changes, which he thought was major and that was the changing of one type of business to another. When the Council passed that in 1980, it was the first restrictive *Sign Code* that Tucson ever had, by a 4 to 3 vote. He was part of the Council at that time. One of the controversial issues was how were they going to bring the old signs down, especially those in the middle of the city. He felt this provision was the best way to do it. If it was changed, they would be locking in time all of the signs that were put up years ago when there was not as much restriction.

Mr. Davis commented that when one went to the outskirts to the newly annexed areas, all the signage in the businesses built in the 1980's had come under the new restrictive *Sign Code*. He said those signs looked okay. He thought signs were an important part of commerce, but the city has seen erosion of the *Sign Code*, and that was not why they were at the meeting. They were there to argue whether the substantive issue should be removed and thought the Council could see that the public was very concerned about the issue.

Mr. Davis said they have seen the general erosion of the *Sign Code*, which started in the 1980's. It happened because individual businesses had come to previous Councils and said it was not fair. There have been individual decisions, which have impacted everybody. He said he did not want to overlook one of the comments made earlier, which was that the Sign Code Committee was controlled by pro-sign forces. He encouraged the Mayor and Council to sit down with their appointees to get a sense of where they were coming from. He did not feel the members represented what the people said at the podium.

Michael Toney said that no one had mentioned the bus bench ads and the buses' moving billboards. Signs did not belong along major traffic corridors. He thought they caused accidents, and quite a few people were concerned about that. He said it would be nice to see a sign-free city. The City of Sedona did not have much in the way of signs, and it was very nice. There was not much control over what was put on the billboards, and some of the things were offensive.

Mayor Walkup asked if there was anyone else who wanted to speak on this subject at this time.

Council Member Ibarra asked if the public hearing could be kept open. He said he knew the Mayor and Council were going to move this item over to a study session, and there were still two separate aspects of concern. He wanted to make sure that the Council still had the ability to hear public comments on whatever was being brought back and asked for direction on the best way to make the motion.

Mike Rankin, City Attorney, replied that the Mayor and Council could continue to keep the public hearing open. When staff returned with the reformatted phase of the *Sign Code*, they would need to re-notice the item because it would be a different version than had been previously published and public comments were anticipated.

Council Member Trasoff said she made the motion with the assumption that when the Council would bring this back, there was going to be a public hearing.

Council Member Ibarra responded that as long as everybody knew that there would be another public hearing and they would be able to make comments, he agreed on closing the public hearing.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 6 to 0, to close the public hearing. (Vice Mayor Scott departed at 7:30 p.m.)

Mayor Walkup called on Council Member Leal.

Council Member Leal thanked the audience and the community that came to the meeting for being caring and thoughtful. He said it was helpful to distinguish the substantive issues from the legal issues and said he would like the Council to review those issues in the months to come. One of the items would allow electronic signs on scenic routes and he was unsure if this was considered a legal issue or a substantive issue. The Council should also think about the issue of non-conforming and old signage. He commented that the person who helped craft that opinion was the same attorney who thought that when a storm knocked down a non-conforming use, they should be allowed to rebuild it because it was an act of God; that person was no longer with the City.

Council Member Leal commented on banners which were all over the place. He knew of one store that had twenty-eight signs over the windows for many weeks. He found another place where green fence posts were placed in the right-of-way, and tied banners to it. He took pictures of them for about six weeks. The Council talked about having the sign area run like an enterprise so if inspectors were needed, they could hire them and change the rates. The Council decided that an alternative to cross-train twenty-eight people in the city was to have more eyes out on the streets. That inferred that the city was being proactive and that made sense to him.

Council Member Leal said citizens called in the majority of the complaints that the city handled. This meant the city was allowing the public to reach the level of frustration in order to make the city act on the issues. He said it was not a proactive approach when Council allowed a complaint-driven system to become the modus operandi. He thought the Council and staff should come up with a system that was proactive and not dependent upon citizens doing the job of the Council, and also tightening up the banner issue.

Council Member Leal said those who had come to the meeting were not all able to go to the Sign Code Committee meetings. He said it was disturbing to him to learn that the times the committee met were not good times for the public to attend. A number of people on that committee were industry people, so they were there on the clock being paid by their bosses, and it was not an inconvenience to them. He said the Council should look at how to make enforcement equal to the substance of the *Sign Code* and make changes to the times that the Sign Committee met to allow the community to participate. He said that Council Member Uhlich made a suggestion that the Council also send this to the Economic Development Subcommittee and said he would make it part of the motion.

Mayor Walkup called on Council Member Trasoff.

Council Member Trasoff said Ms. McLaughlin made several excellent points. One point in particular really struck her and hoped the Council would consider it as they took steps into the substantive, as opposed to just the formatting. That was the differentiation between identifying signage and advertising. She thought that was really a profound observation. She asked if the City needed to be separating out within the *Sign Code* what was advertising and what was signage. She knew there was always going to be a gray area, but if it was identification and location as opposed to messages, such as what Ms. Rodriguez referred to, she thought those were excellent points. She hoped that as the Council considered substantive matters, those points would stay in the forefront. She said that she agreed with her colleagues as well as the people from the audience who spoke on the enforcement issue. The Mayor and Council had the best intentions, but they needed to look at what else could be done to make sure that enforcement was proactive. That was important because without enforcement, the City was wasting time on trying to be responsive to what the community wanted.

Council Member Trasoff said she also concurred with the comments expressed by Council Member Leal regarding the substantive issues of the tall signs when there was a change of use and also the composition on the committee itself.

Council Member West asked if they could be advised where this *Sign Code* would collide with the *Arizona Revised Statutes* and if it superceded the city's code. She thought the electronic sign issue that the citizens were so outraged about, was something that was now allowed in scene corridors under the *Arizona Revised Statutes*.

Ernie Duarte, Development Services Director, said the electronic message centers as defined under the current code were allowed within the scenic corridors. The proposed change would just codify and state that it was allowed, provided it would fit the definition of the electronic message center. The message could not change more than once an hour, and it was not within the thirty-foot scenic buffer.

Council Member West asked if it was not something that was from state to state law.

Mr. Duarte replied it was the current code.

Council Member West said she had the mistaken idea about that and thought that that was outrageous. She also thought it was time to send the sign inspectors back to Development Services Department. She said she knew for a fact that a whole lot of sandwich boards and banners were up without permits and there was no one stopping them. They were on service station sides for weeks and nothing happened. It was all complaint based. She understood that, and said the City probably could not have enough inspectors to handle all of the citizen's complaints, but for the Council to loosen up some of the codes just because there were not enough inspectors was kind of crazy. She said she still wanted to know where the *Sign Code* collided with the *Arizona Revised Statutes*, stating she thought there were places where they were left powerless because of State law.

Mr. Rankin said that as the item comes back to the Council, he would flush out where the legal problems were. Mr. Rankin said that given that they were getting quite a few homework assignments on the *Code*, they might want to think about being compressed on time a little too much, in bringing all those things back at the next meeting and asked the City Manager to respond.

Mike Hein, City Manager, replied he appreciated the City Attorney's observation. His understanding was that staff was directed and that this would return as study session item in August; that was what was in the recommendation. While there had not been a motion, he suggested they allow staff the opportunity to meet with the stakeholders and to come back in September with the reformatted non-substantive changes. This would also give the Mayor and Council more time to also meet with the stakeholders. Together they could flush out substantive versus non-substantive changes and with a public hearing, bring back the reformatted version. All the parties could then come back and proceed with the substantive changes.

Council Member West said she did not want any of those present to forget that part of this was the reformatting of the *Code*. The fact that it was divided into sections so that if she came in and needed a sign in the scenic corridor, all of that information was together. It would make the code a little bigger. There have been concerns about it being repetitive. However, if it were appropriate for various sections, then it would have to appear again. She asked that they not lose track of that formatting because she thought that was very important. The Mayor and Council wanted the city *Sign Code* to be user-friendly, not just a code to beat up on. She commended staff, stating they were doing something right because she has heard from both Clear Channel and neighborhood representatives that there were substantive changes which needed to be changed.

Council Member Uhlich said that she had a couple of comments. She said Roger Sliker, her appointee on the Advisory and Appeals Board, made some good suggestions relating to graphic design and other elements. He was the owner of a small business, so he brought some points to light from a small business owner's perspective. She asked the Council to consider those suggestions. She appreciated the fact that important points were raised and thanked Council Member Leal for allowing this to go into his committee. She knew he would offer good leadership on it. She said it was clear to her that the Environment Planning Resource Management subcommittee, was now "EPRM" with a capital "P". She assured everyone that her committee would be busy. She thanked the audience for making good comments and thought the Council would hear from others as this unfolds.

Council Member Ibarra asked staff for a timeline for bringing this item back to Mayor and Council for study session and regular session, so everybody would be on the same page.

Mr. Hein replied the recommendations in the packet were based on discussions at the last Council meeting and contemplated the study session on the reformatting next week. What staff was suggesting, based on some of the input over the last couple of days and the testimony at the meeting, was to give staff until the first meeting in September an opportunity to meet with the stakeholders and return with the reformatted version. By then, staff would have a better handle on the schedule. He was expecting to work with the subcommittees and numerous meetings with stakeholders to return with more substantive changes.

Council Member Trasoff asked for a point of clarification from Mr. Hein. She wanted to make sure the public was equally considered as stakeholders in this process, as well as the people in the committees and people in the industry.

Mr. Duarte said he anticipated that staff would gather as much input as possible to make this process transparent. He said it was obvious they had a lot of work ahead. Although there was progress from two weeks ago, there was still a lot more to be done. He appreciated the Council's consideration of giving stakeholders additional time to gather the input that was necessary to make this work.

Council Member Trasoff asked Mr. Duarte if there would be mechanisms to reach official groups such as the Sierra Club, people in small businesses and the people who took the time to come out.

Mr. Duarte replied that they would.

**13. BUILDING AND DEVELOPMENT: IMPACT FEES FOR POLICE, FIRE, AND PUBLIC FACILITIES**

Mayor Walkup announced City Manager's communication number 428, dated July 10, 2007, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10438 by number and title only.

Ordinance No. 10438 relating to development impact fees; amending the Tucson Code, Chapter 23A, Development Compliance Code, Article III, Impact fees; Division 1, Applicability and intent, Section 23A-72 Intent; Division 2, Fee calculation, Sections 23A-81 Fee determination, 23A-82 Credits, 23A-83 Exemptions and waivers, 23A-84 Expenditure of funds, and 23A-86 Assessment and payment of fees; Article IV, Definitions, Division 2, Listing of words and terms, Section 23A-119 Definitions—1; and declaring an emergency,

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Scott absent/excused), to continue this item to August 6, 2007 meeting.

**15. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 400, dated July 10, 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 West, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Scott absent/excused), to appoint the following people to the Tucson Housing Trust Fund Citizen Advisory Committee:

- Category Lending Institution - Albert Celaya
- Category Multi-Family Housing Industry- Kimberly Pacheco
- Category At large Ward I – Mark E. Jaffe
- Category At large Ward II – Don Strauch
- Category At large Ward III – Corky Poster
- Category At large Ward IV – Terry Galligan
- Category At large Ward V – Yvonne “Voni” Romero-Harris
- Category At large Ward VI – Andy Silverman
- Category At large Mayor – Tom Doucetter
- Category Manufactured Housing – Susan L. Brenton
- Category Real Estate Sales – Gary Hardy

Category Major Employer – Stephen Young  
Category Ex-Officio – Michael Grassinger  
Category Land Developer/Building/Constructions – Michael Parker  
Category Public Sector – David Duffy

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

Council Member West announced her reappointment of Marion Hook and her appointment of Thomas Tronsdal to the Small Business Commission and Victoria W. Evans to the Tucson Pima Women's Commission.

Council Member West announced the appointment of Priscilla Marques to the Small Business Commission and Elizabeth Bottka Smith to the Citizen Police Advisory Review Board.

**16. ADJOURNMENT 8:44 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Monday, August 6, 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 10th day of July 2007, and do hereby certify that it is an accurate transcription.

\_\_\_\_\_  
DEPUTY CITY CLERK

KSD:ccs:sac