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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on February 26, 2008

Date of Meeting: August 6, 2007

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:39 p.m. on Tuesday, August 6, 2007, all members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Vice Mayor, Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

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 the Kathleen S. Detrick, City Clerk, after which the entire assembly presented the Pledge of Allegiance.

Presentations: (Note: Item e taken out of order)

- e. On behalf of the American Gem Trade Association, Rick Grinnell, Metro Restaurants, presented a check for nineteen thousand, four hundred fifty-three dollars to the Arizona Law Enforcement Torch Run for Special Olympics.
- a. Mayor Walkup proclaimed August 20, 2007, to be the “232nd Anniversary of Tucson.” Roger Phillips accepted the proclamation on behalf of the Tucson-Pima County Historical Commission.
- b. Mayor Walkup proclaimed August 24, 2007, to be “Project PPEP Day.” Frank Ballesteros, PPEP Foundation Executive Director, accepted the proclamation.
- c. Mayor Walkup proclaimed September 2 to 8, 2007, to be “Venom Week 2007”. Leslie Boyer, MD, FACMT Director, VIPER Institute, University of Arizona, and Stephan Poulin, Curator of Herpetology, Ichthyology, Invertebrate Zoology, Arizona-Sonora Desert Museum accepted the proclamation.
- d. Mayor Walkup presented an “Extraordinary Citizen” award to Chris Mitchell.

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

Mayor Walkup announced City Manager’s communication number 433, dated August 6, 2007, was received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Vice Mayor Scott announced the Ward 4 office was accepting used cell phones and pagers for recycling in the Cell Phones for Soldiers Program. The proceeds would be used to buy pre-paid calling cards and videophones for soldiers overseas. Donations would be accepted at the Ward 4 office and attendees of the Back to School Bash could bring donations then.

- b. Council Member West announced she received the Arizona NARO and Arizona Housing Authority Award as an advocate for housing in 2006.

Council Member West also announced on August 4, 2007, she welcomed thirteen Udall Scholars upon the conclusion of their two month journey across the United States with the Udall Legacy Biodiesel Bus Tour of which the City of Tucson was a sponsor, to promote public service in the legacy of the late Congressman Morris K. Udall.

- c. Council Member Uhlich announced the Cabrini neighborhood honored Mark Haberman for his work on the Neighborhood Watch program.

Council Member Uhlich also thanked the City Parks and Recreation and Public Safety Departments for their work on the Mud Monster event.

- d. Council Member Trasoff announced two Ward 6 businesses had received national honors. The Royal Elizabeth Bed and Breakfast was named the nation's 4th best bed and breakfast in a survey of business travelers conducted by bedandbreakfast.com and Athens on 4th Avenue, a Greek restaurant, was ranked sixty-seventh in *City Magazine's* hundred and one favorite restaurants.

She also announced the Ward 6 office would be hosting the 2nd annual "Go Green" sustainability resource fair at the Ward 6 Office on August 21, 2007.

Council Member Trasoff spoke about the businesses on 4th Avenue that sustained serious flood damage in late July.

- e. Council Member Leal announced the Ward 5 office would be meeting that week with the City and the County on the topic of flooding.

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

Mayor Walkup announced City Manager's communication number 434, dated August 6, 2007, was received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Michael Rankin, City Attorney, reported:

- a. As part of the City's 232nd Anniversary celebration, the Southern Arizona Watercolor Guild was presenting an exhibit of its permanent collection in the City Attorney's Office, main conference room. The exhibit also celebrated the Guild's 40th Anniversary and was offered in thanks to the Mayor and Council for their support of the Guild and the Tucson arts community. The exhibit would run through August.

- b. On July 20, 2007, Frederick S. “Fred” Dean passed away. Mr. Dean served as the Tucson City Attorney from 1977 to 1994. His seventeen plus year term as City Attorney was the longest term of any City Attorney in the City’s history. Mr. Dean exemplified the finest qualities of the legal profession, and would always be remembered.
- c. On July 31, 2007, Deputy City Attorney Brad Detrick retired. Thanks were offered to Brad for his many contributions during his thirty-two years of public service as an attorney in the City Attorney’s office.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager’s communication number 435, dated August 6, 2007, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License(s)

- 1. BevMo!, Ward 6  
6228 E. Broadway Blvd., Suite 100  
Applicant: Randy D. Nations  
Series 6, City 49-07  
Action must be taken by: August 11, 2007  
Staff has indicated the applicant is in compliance with city requirements.
- 2. Livorno Imports, Ward 3  
2241 N. Oracle Rd., Suite # 3  
Applicant: Michael John Centorino  
Series 4, City 51-07  
Action must be taken by: August 18, 2007  
Staff has indicated the applicant is in compliance with city requirements.
- 3. The Firkin & Friar, Ward 2  
6958 E. Tanque Verde Rd.  
Applicant: Richard William McKnight  
Series 12, City 52-07  
Action must be taken by: August 18, 2007  
Staff has indicated the applicant is in compliance with city requirements.
- 4. CVS/pharmacy # 07841, Ward 3  
4365 North Oracle Rd.  
Applicant: Jason Barclay Morris  
Series 9, City 53-07  
Action must be taken by: August 23, 2007  
Staff has indicated the applicant is in compliance with city requirements.

5. CVS/pharmacy # 07855, Ward 4  
2601 South Houghton Rd.  
Applicant: Jason Barclay Morris  
Series 9, City 54-07  
Action must be taken by: August 23, 2007  
Staff has indicated the applicant is in compliance with city requirements.

Person Transfer

6. Speak Easy, Ward 6  
1120 S. Wilmot Rd.  
Applicant: Robert William Landis  
Series 6, City 50-07  
Action must be taken by: August 17, 2007  
Revenue has indicated the applicant is in compliance with city requirements.  
Development Services and Tucson Police Department have indicated the applicant is not in compliance with city requirements.

Item 5b6 was considered separately.

c. Special Event(s)

1. Robert Schlesinger Foundation, Ward 6  
Reid Park Band Shell  
Applicant: Sheila D. Kressler-Crowley  
City T24-07  
Date of Event: November 3, 2007  
(Bookmans' 30th Anniversary Party in the Park)  
Staff has indicated the applicant is in compliance with city requirements.
2. St. Demetrios Greek Orthodox Church, Ward 3  
1145 E. Ft. Lowell Rd.  
Applicant: Susan Parker-Hotchkiss  
City T47-07  
Date of Event: September 20-23, 2007  
(Fundraising)  
Staff has indicated the applicant is in compliance with city requirements.
3. Our Lady Queen of All Saints Church, Ward 5  
2915 E. 36th St.  
Applicant: Cristina Jaurequi Lem  
City T48-07  
Date of Event: September 21 & 22, 2007  
(Charitable Fundraiser to Build Religious Education Class Rooms)  
Staff has indicated the applicant is in compliance with city requirements.

4. Tucson Breakfast Lions Club (TBLC), Ward 5  
4823 S. 6th Ave.  
Applicant: Wayne Francis Locke  
City T51-07  
Date of Event: September 1 & 2, 2007  
(Fundraiser)  
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

1. Las Cazuelitas de Tucson, Ward 3  
3535 E. Fort Lowell Rd.  
Applicant: Eric D. Frisby  
Series 12, City AC4-07  
Action must be taken by: August 30, 2007  
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b5, 5c1 through 5c4 and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

## 5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Applications

Person Transfer

6. Speak Easy, Ward 6  
1120 S. Wilmot Rd.  
Applicant: Robert William Landis  
Series 6, City 50-07  
Action must be taken by: August 17, 2007  
Revenue has indicated the applicant is in compliance with city requirements.  
Development Services and Tucson Police Department have indicated the applicant is not in compliance with city requirements.

Council Member Trasoff stated she had several cards requesting an opportunity speak. She asked the applicant to step forward and speak.

Robert Landis stated the requirement of the building regarding the Certificate of Occupancy was in progress and would be in progress. He said he was half owner of the Speak Easy from January through March. During that time, they received notice from the State Liquor Board stating they were in violation. Mr. Landis said there were no violations; a simple mistake was made on the application by his partner which was quickly corrected. Since that time, he bought his partner out, took her name off the lease

and the LLC. He was the sole owner and was running the business himself. He had worked hard in trying to make an honest living and live the American dream. Since his taking ownership, he had not had any calls to Tucson Police Department (TPD). He worked on changing the environment and instilled a dress code for Friday and Saturday nights. Mr. Landis stated he spent the majority of his time behind the bar, meeting and talking to people, which was what he enjoyed doing. He asked the Mayor and Council to consider granting him the license which would be a dream come true.

Roberto Villaseñor, Assistant Police Chief, Tucson Police Department, stated the reason this application was denied was due to the extensive history of violence at the bar including a homicide, six aggravated assaults, and over forty-eight responses within the past year. When looking at the application process itself, there was a cloud of confusion over the entire process. There was a previous application submitted by Mr. Landis and Ms. Popp who both lived at the same address and Ms. Popp worked for the previous owner. This license was originally transferred over to Ms. Popp by the owner, who was later revoked of the license. Then it was notarized and signed over to Mr. Landis. There was no compensation received by the original owner to fulfill the transaction of the application and so there was concern of a hidden ownership of the establishment. The applicant had not been justified in showing he was capable, qualified or reliable at this time.

Ernie Duarte, Director, Development Services Department, said the basis for denying the application was in checking the permitting database. Existing building code violations were discovered with this owner and the previous owner. Improvements to the structure needed to be made and were never permitted or inspected. Those items, in this particular instance, which constituted assembly occupancy, were critical to building safety. Until those items and the certificate of occupancy were issued, Development Services could not recommend approval.

Will Wilson spoke in favor of granting a liquor license to the Speak Easy establishment. He had lived in Tucson for thirteen years and retired from the Air Force in 2000 after twenty-four years of service. Mr. Wilson began patronizing the Speak Easy establishment a year after his arrival to the City. It was a great place to take a family and it had a great atmosphere. He stated many of his friends who lived at the Davis-Monthan Air Force Base, also patronized the establishment. Sadly, as time passed, the previous management began to allow for a different type of crowd into the establishment. At that time, he no longer patronized the establishment as it was not a place one could take their family and feel comfortable about it. Mr. Wilson stated, since Mr. Landis had taken over the Speak Easy, things changed and he had painted a “new face” on the establishment. He stated the people who stayed away for years were now back. Mr. Wilson asked the Mayor and Council not to take away Mr. Landis’ dream.

Council Member Trasoff stated she heard what Mr. Landis was saying in wanting to turn things around. But the recommendations from the Tucson Police Department were so strong, and since there was not a certificate of occupancy in place, she felt she had to recommend the State Liquor Board deny the application.

It was moved by Council Member Trasoff, duly seconded and carried by a voice vote of 7 to 0, to direct staff to forward liquor license application 5b6 to the Arizona State Liquor Board with a recommendation for denial.

**6. CALL TO THE AUDIENCE**

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

- a. Cassie Wingert spoke about her experiences working at the Ward 2 office as part of the Youth Enrichment Program.
- b. Alice O. Ritter, representing the Veterans for Peace, Chapter 13, spoke in support of the Nuclear Disarmament Memorial.
- c. Connie Graves and the Tucson Raging Grannies sang a song in support of the Nuclear Disarmament Memorial.
- d. Pat Bernie spoke in support of the Nuclear Disarmament Memorial.
- e. Michael Toney spoke in favor the Nuclear Disarmament Memorial and against the intergovernmental agreement amendment for the University of Arizona Science Center.
- f. Lori Lustig, representing the Southern Arizona Home Builders Association, (SAHBA) spoke in support of the Police, Fire and Public Facilities Impact Fee ordinance, and requested modification of the ordinance to allow payment of the impact fees at the time of closing rather than at the time a permit was acquired.
- g. Joe Sweeney spoke about the effects of illegal immigration on local resources.
- h. Ron McLoughlin spoke about Tucson's birthday celebration and said he felt it was offensive to the indigenous people who used to inhabit this area.

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

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

- A. ASSURANCE AGREEMENT: (S06-018) ALAMO LOFTS CONDOMINIUMS SUBDIVISION, UNITS 1 TO 22, COMMON ELEMENTS "A", "B", AND "C", AND LIMITED COMMON ELEMENTS "A-1" TO "A-22"
  1. Report from City Manager AUG6-07-429 WARD 2

2. Resolution No. 20725 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. S06-018 of a final plat for the Alamo Lofts Subdivision, Units 1 to 22, Common Elements “A” - “C”, and Limited Common Elements “A-1” - “A-22”; and declaring an emergency.
- B. FINAL PLAT: (S06-018) ALAMO LOFTS CONDOMINIUMS SUBDIVISION, UNITS 1 TO 22, COMMON ELEMENTS “A”, “B”, AND “C”, AND LIMITED COMMON ELEMENTS “A-1” TO “A-22”
1. Report from City Manager AUG6-07-430 WARD 2
  2. Staff recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant was advised that building occupancy permits were subject to the availability of water/sewer capacity at the time of action application.
- C. PUBLIC IMPROVEMENT: BROADWAY BOULEVARD, KOLB ROAD TO PANTANO ROAD DISTRICT LIGHTING IMPROVEMENT
1. Report from City Manager AUG6-07-431 WARD 2
  2. Resolution No. 20690 Resolution providing for the issuance of City of Tucson Improvement Bond, Series No. 823, for the “Broadway Boulevard, Kolb Road to Pantano Road, District Lighting Improvement.”
- D. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE SOUTHERN ARIZONA AIDS FOUNDATION
1. Report from City Manager AUG6-07-437 WARD 5
  2. Resolution No. 20724 relating to Finance; approving and authorizing the allocation of one thousand dollars (\$1,000) from the Community Support Fund, Account No. 001-183-1898-268, to the Southern Arizona AIDS Foundation for the AIDSWALK 2007; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows: Council Member Leal - \$1,000.00

Kathleen S. Detrick, City Clerk, announced Resolution 20724 would be amended to include additional contributions of three hundred fifty dollars from Mayor Walkup; three hundred fifty dollars from Council Member West; one thousand dollars from Council Member Uhlich; and five hundred dollars from Vice Mayor Scott to Council Member Leal’s original contribution of one thousand dollars, for a total of three thousand two hundred dollars.

E. REAL PROPERTY: ACQUISITION OF PROPERTY FOR THE ROCKCLIFF WATER BOOSTER STATION

- 1 Report from City Manager AUG6-07-438 OUTSIDE CITY
2. Resolution No. 20726 relating to real estate; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary certain real property located one-half mile southeast of the intersection of Sabino Canyon and Synder Roads to expand the boundaries of the Rockcliff Water Booster Station site to create a vehicle turnaround; and declaring an emergency.

F. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE ANGEL CHARITY FOR CHILDREN, INC.

1. Report from City Manager AUG6-07-439 WARD 2
2. Resolution No. 20727 relating to Finance; approving and authorizing the allocation of Five Hundred Dollars (\$500) from the Ward 2 Office Community Support Fund, Account No. 001-183-1898-268, to Angel Charity for Children, Inc.; and declaring an emergency.

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

Kathleen S. Detrick, City Clerk, announced Resolution 20727 would be amended to include additional contributions of five hundred dollars from Mayor Walkup; five hundred dollars from Vice Mayor Scott; and one thousand dollars from Council Member Trasoff to Council Member West's original contribution of five hundred dollars, for a total of two thousand five hundred dollars.

G. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE CATALINA MAGNET SCHOOL/STRATEGIC ALTERNATIVE LEARNING TECHNIQUES PILOT PROJECT

1. Report from City Manager AUG6-07-440 WARD 5

2. Resolution No. 20728 relating to Finance; approving and authorizing the allocation of One Thousand Dollars (\$1,000) from the Ward 5 Office Community Support Fund, Account No. 001-183-1898-268, to the University of Arizona Foundation for the Catalina Magnet School/SALT (Strategic Alternative Learning Techniques) Pilot Project to assist in the program's goal to improve high school graduation rates; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows: Council Member Leal - \$1,000.00

H. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE TUCSON SENIOR SOFTBALL LEAGUE

1. Report from City Manager AUG6-07-441 WARD 5
2. Resolution No. 20729 relating to Finance; approving and authorizing the allocation of Six Hundred Eight Dollars (\$608) from the Ward 5 Office Community Support Fund, Account No. 001-183-1898-268, to the Department of Parks and Recreation in support of the Tucson Senior Softball League; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows: Council Member Leal - \$608.00

I. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPLEMENTATION OF THE SPEEDWAY BOULEVARD, CAMINO SECO TO HOUGHTON ROAD PROJECT

1. Report from City Manager AUG6-07-442 WARD 2
2. Resolution No. 20730 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for implementation of the Speedway Boulevard: Camino Seco to Houghton Road Project; and declaring an emergency.

J. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPLEMENTATION OF THE AMERICANS WITH DISABILITIES ACCESSIBILITY IMPROVEMENT PROJECTS

1. Report from City Manager AUG6-07-444 CITY-WIDE

2. Resolution No. 20731 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for implementation of the Americans with Disabilities Accessibility Improvement Projects; and declaring an emergency.
- K. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPLEMENTATION OF BICYCLE LANE PROJECTS
1. Report from City Manager AUG6-07-445 CITY-WIDE
  2. Resolution No. 20732 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for implementation of the Bicycle Lane Projects; and declaring an emergency.
- L. BOARDS, COMMITTEES, AND COMMISSIONS: MODIFYING THE GRANT ROAD CORRIDOR PLANNING TASK FORCE
1. Report from City Manager AUG6-07-446 WARDS 2, 3, AND 6
  2. Resolution No. 20733 relating to Boards and Commissions; amending Resolution No. 20632 to allow members of the Grant Road Corridor Planning Task Force to serve concurrently on other City committees and to provide that one member of the Task Force shall be a member of the Citizen Transportation Advisory Committee; and declaring an emergency.
- M. REAL PROPERTY: ACQUISITION OF PROPERTY LOCATED AT 39 WEST WETMORE ROAD
1. Report from City Manager AUG6-07-447 WARD 3
  2. Resolution No. 20734 relating to transportation; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located at 39 West Wetmore Road to acquire a portion of private property lying within Wetmore Road public rights-of-way; and declaring an emergency.
- N. TRANSPORTATION: AUTHORIZATION FOR THE TRANSPORTATION DEPARTMENT TO SUBMIT FEDERAL TRANSPORTATION ENHANCEMENT PROPOSALS
1. Report from City Manager AUG6-07-448 CITY-WIDE

2. Resolution No. 20735 relating to transportation; authorizing the Director of the City of Tucson Department of Transportation to submit and sponsor six (6) Federal SAFETEA-LU Transportation Enhancement Project Proposals to the Arizona Department of Transportation Review Committee and to expend local matching funds in the event of approval; and declaring an emergency.
- O. REAL PROPERTY: TRANSFER OF SURPLUS CITY-OWNED PROPERTY LOCATED AT SWEETWATER DRIVE AND SILVERBELL ROAD FOR THE PIMA ANIMAL CARE CENTER
1. Report from City Manager AUG6-07-443 WARD 1
  2. Ordinance No. 10439 relating to real estate; vacating and declaring certain City-owned real property at Silverbell Road and Sweetwater Drive to be surplus; authorizing and approving the execution of an Acquisition Agreement between Pima County and the City of Tucson to transfer said surplus real property to Pima County; and declaring an emergency.
- P. GRANT AGREEMENT: WITH THE ARIZONA ATTORNEY GENERAL'S OFFICE FOR THE VICTIMS' RIGHTS IMPLEMENTATION ASSISTANCE PROGRAM
1. Report from City Manager AUG6-07-452 CITY-WIDE
  2. Resolution No. 20736 relating to Victims' Rights; approving and authorizing execution of an Award Agreement with the Arizona Attorney General's Office for the FY 2008 Victims' Rights Program (VRP); and declaring an emergency.
- Q. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR DRUG CONTROL AND SYSTEM IMPROVEMENT
1. Report from City Manager AUG6-07-451 CITY-WIDE
  2. Resolution No. 20737 relating to grants; approving and authorizing execution of a Drug Enforcement Grant Agreement with the Arizona Criminal Justice Commission (ACJC) for Drug Control and System Improvement for FY 08; and declaring an emergency.
- R. ELECTIONS: DESIGNATING POLLING PLACES AND APPOINTING ELECTION BOARDS FOR THE CITY ELECTIONS TO BE HELD SEPTEMBER 11, AND NOVEMBER 6, 2007
1. Report from City Manager AUG6-07-456 CITY-WIDE

2. Resolution No. 20738 relating to elections; designating the polling places where votes may be cast in the City of Tucson's September 11, 2007, Primary and November 6, 2007, General and Special Elections; listing precincts combined for the Primary Election, with one designated polling place within their combined precinct boundaries; listing precincts combined for the Primary Election but having no suitable polling place available within their combined precinct boundaries and, therefore, having one designated polling place outside their combined precinct boundaries in an adjacent precinct; listing precincts not combined with any other precincts but having polling places within adjacent precincts because no suitable polling place is available within their own boundaries; and declaring an emergency.
3. Resolution No. 20739 relating to elections; appointing officials who will serve as members of the precinct election boards, early ballot processing boards, and other election boards required for the City of Tucson's September 11, 2007, Primary Election and the November 6, 2007, General and Special Elections; and declaring an emergency.

S. APPROVAL OF MINUTES

1. Report from City Manager AUG6-07-458 CITY-WIDE
2. Approval of minutes for the regular meetings of the Mayor and Council held on June 12, 2007, June 19, 2007, June 26, 2007, July 3, 2007, and minutes for the special meeting of the Mayor and Council held on June 12, 2007.

T. GRANT AGREEMENT: WITH THE ARIZONA ATTORNEY GENERAL'S OFFICE FOR THE VICTIMS' RIGHTS PROGRAM

1. Report from City Manager AUG6-07-449 CITY-WIDE
2. Resolution No. 20740 relating to grants; approving and authorizing execution of a Grant Agreement with the Arizona Attorney General's Office for victims' rights program funding; and declaring an emergency.

U. GRANT AGREEMENT: WITH THE STATE OF ARIZONA FOR THE OVERSIGHT COUNCIL ON DRIVING OR OPERATING UNDER THE INFLUENCE GRANT PROGRAM

1. Report from City Manager AUG6-07-454 CITY-WIDE

2. Resolution No. 20741 relating to grants; approving and authorizing execution of a Grant Agreement with the Arizona Oversight Council on Driving or Operating Under the Influence for Driving Under the Influence enforcement; and declaring an emergency.
- V. GRANTS: WITHDRAWAL FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REVOLVING LOAN FUND
1. Report from City Manager AUG6-07-459 CITY-WIDE
  2. Resolution No. 20742 relating to the Arizona Department of Environmental Quality Revolving Loan Fund (RLF) grant program; authorizing and approving the City of Tucson to withdraw from the RLF grant program; and declaring an emergency.
- W. INTERGOVERNMENTAL AGREEMENTS: WITH PIMA COUNTY FOR 88-CRIME AND THE VICTIM WITNESS PROGRAM
1. Report from City Manager AUG6-07-461 CITY-WIDE
  2. Resolution No. 20743 relating to Intergovernmental Agreements; approving and authorizing execution of the Intergovernmental Agreements between the City of Tucson and Pima County for 88-Crime, Inc. and the Victim Witness Program; and declaring an emergency.
- X. ELECTION: RESOLUTION OF INTENTION TO HOLD A CHARTER AMENDMENT SPECIAL ELECTION BY INITIATIVE PETITION ON NOVEMBER 6, 2007
1. Report from City Manager AUG6-07-455 CITY-WIDE
  2. Resolution No. 20744 relating to elections: notice by the Mayor and the Council of the City of Tucson, Arizona, to the citizenry, declaring the Mayor and Council's intention to call a special election on November 6, 2007, to submit to the City's qualified electors a question submitted through Initiative Petition Number 2007-I003, relating to amending the Charter of the City of Tucson by adding a new Section 14 to Chapter 25; and declaring an emergency.
- Y. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE 2007 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
1. Report from City Manager AUG6-07-462 CITY-WIDE

2. Resolution No. 20745 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) 2007; and declaring an emergency.

Z. INTERGOVERNMENTAL AGREEMENT: WITH THE UNIVERSITY OF ARIZONA FOR WATER EDUCATION FOR TEACHERS

1. Report from City Manager AUG6-07-460 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 20749 relating to water; authorizing the execution of an Intergovernmental Agreement with the University of Arizona's Water Resources Research Center to continue the Water Education for Teachers (Arizona Project WET); and declaring an emergency.

AA. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR HOMICIDE SURVIVORS, INC. FOR FAMILY AND FRIENDS OF MURDER VICTIMS

1. Report from City Manager AUG6-07-466 WARD 1
2. Resolution No. 20746 relating to Finance; approving and authorizing the allocation of Two Hundred Fifty dollars (\$250) from the Ward 1 Office Community Support Fund, Account No. 001-183-1898-268, to Homicide Survivors, Inc. for Family and Friends of Murder Victims to cover the cost of attending the Arizona Coalitions for Victim Services Conference on August 13, 2007; and declaring an emergency.

This is a request by Council Member Ibarra. Allocation of funds is as follows: Council Member Ibarra \$250.00

Kathleen S. Detrick, City Clerk, announced Resolution 20746 would be amended to include an additional contribution of one hundred dollars from Council Member Uhlich to Council Member Ibarra's original contribution of two hundred fifty dollars, for a total of three hundred fifty dollars.

BB. WATER: FIRST AMENDMENT TO AGREEMENT WITH B.K.W. FARMS, INC., FOR GROUNDWATER SAVINGS PROJECTS

1. Report from City Manager AUG6-07-465 OUTSIDE CITY
2. Resolution No. 20747 relating to water; authorizing and approving First Amendment to the Agreement between the City of Tucson and BKW Farms, Inc., for a Groundwater Savings Project; and declaring an emergency.

- CC. REAL PROPERTY: AMENDED LEASE AGREEMENT WITH ST. JOHN THE EVANGELIST PARISH FOR THE DEVELOPMENT OF ST. JOHN'S PARK
1. Report from City Manager AUG6-07-457 WARD 1
  2. Resolution No. 20748 relating to real property; authorizing and approving the execution of an amended lease agreement between the City of Tucson and St. John the Evangelist Roman Catholic Parish for the operation of a park; and declaring an emergency.
- DD. MEMORIAL: URGING THE UNITED STATES CONGRESS TO SUPPORT HOUSE RESOLUTION 68 CALLING FOR A COMPREHENSIVE NUCLEAR DISARMAMENT PROGRAM
1. Report from City Manager AUG6-07-468 CITY-WIDE
  2. A Memorial relating to nuclear weapons; urging the United States Congress to support House Resolution 68 calling for a comprehensive nuclear disarmament program.
- EE. MEMORIAL: URGING THE PRESIDENT AND THE UNITED STATES CONGRESS TO REPEAL THE "DON'T ASK, DON'T TELL" POLICY IN THE NATIONAL DEFENSE REAUTHORIZATION ACT OF 1994
1. Report from City Manager AUG6-07-469 CITY-WIDE
  2. A Memorial relating to the Military; urging the President and the Congress of the United States to repeal the "Don't Ask, Don't Tell" policy in the National Defense Reauthorization Act of 1994.
- FF. INTERGOVERNMENTAL AGREEMENT AMENDMENT AND RESTATEMENT: WITH THE UNIVERSITY OF ARIZONA AND THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR THE DEVELOPMENT OF A SCIENCE CENTER AND STATE MUSEUM
1. Report from City Manager AUG6-07-470 WARD 1
  2. Resolution No. 20750 relating to intergovernmental agreements; authorizing and approving the amendment and restatement of the Intergovernmental Agreement between the City of Tucson ("City"), Rio Nuevo Multipurpose Facilities District ("District"), and the Arizona Board of Regents acting on behalf of the University of Arizona ("UA") to provide funding and development of Science Center and Museum at Rio Nuevo; and declaring an emergency.

GG. DEVELOPMENT AGREEMENT: WITH R&A DEVELOPMENTS, LLC FOR THE FIVE POINTS GATEWAY PLAZA PROJECT

1. Report from City Manager AUG6-07-471 WARD 6
2. Resolution No. 20751 relating to real estate; authorizing and approving the execution of a Development Agreement between the City of Tucson and R&A Developments, LLC for the construction of the Five Points Gateway Plaza located at 747 and 741 South Sixth Avenue; and declaring an emergency.

HH. EMERGENCY MANAGEMENT: REQUESTING THE GOVERNOR OF ARIZONA DECLARE A STATE OF EMERGENCY IN THE CITY OF TUCSON AS A RESULT OF RECENT STORM DAMAGES

1. Report from City Manager AUG6-07-473 CITY-WIDE
2. Resolution No. 20752 relating to emergency management; requesting Governor Napolitano to declare a State of Emergency in the City of Tucson, Arizona; and declaring an emergency.

It was moved by Council Member Ibarra, duly seconded, that Consent Agenda Items A through HH, with the amendments to Items D, F, and AA, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion.

Vice Mayor Scott thanked staff who consistently worked in various departments and to obtain grants to enhance and compliment what the City of Tucson received in revenues. They were the unsung heroes in the community.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Consent Agenda Items A through HH, with the amendments to Items D, F, and AA, were declared passed and adopted by a roll call vote of 7 to 0.

**8. PUBLIC HEARING: ZONING (C9-07-03) HSL PROPERTIES - PANTANO ROAD, SR TO P, CITY MANAGER'S REPORT**

Mayor Walkup announced City Manager's communication number 453, dated August 6, 2007, was 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 to rezone property located on the west side of Pantano Road, south of Escalante Road. The Zoning Examiner and staff recommended authorization of the rezoning subject to certain conditions. He asked if the applicant or representative were present. He asked they state their name and address and whether they were agreeable to the proposed requirements.

Don Laidlaw, of Laidlaw Consulting, representing HSL Properties, stated he had a few brief comments and then was open to questions. The rezoning followed a plan amendment that was undertaken and carefully coordinated with the Groves Neighborhood Association at neighborhood meetings. During that time, there was no controversy or protest for the planned amendment process. Subsequently, during the neighborhood interaction on the rezoning portion questions arose and a protest petition move was initiated by one of the abutting residents. He stated they had been working continuously, sometimes effectively and sometimes not effectively. Sometimes it was the applicant's fault, and sometimes it was his. Sometimes it was due to miscommunication.

Mr. Laidlaw continued by saying they had managed to accomplish a mitigation of potential impacts. The perimeter wall, not only of the property sought to be rezoned, but of the commercial property already zoned, had received graffiti prevention treatment and this would be a continuous operation. Some maintenance was performed within City right-of-ways such as removal of tree stumps in the alley which was a concern to the neighbors. He said he believed this and other actions taken by the applicant had demonstrated compatibility and sensitivity to the adjoining neighborhood.

Mr. Laidlaw also stated they realized there were still some legal protests on file, but said if the Council approved the rezoning conditionally, they would strive to meet all of the conditions within a year's time and work out a final resolution of the protest with the neighbors. He asked for the Mayor and Council's support of the rezoning application in conformity with the recommendation of staff and the conditions thereto.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour, and speakers were limited to five-minute presentations.

Michael Toney stated one of his major concerns was with the headlights and people driving near the residential areas. He said he would like to see the environmental section of the *General Plan* implemented to include enhancements to the green amenities. He was not sure what the hours of operation were for this area project, but he wanted to see something more opaque for headlight levels. He used Tucson Police Department's Safe by Design program as an example when the communication towers were installed on 6th Avenue. Beautiful bushes and flowers were ripped up. Now the planters were bare. He said he felt this had to do with the incomplete approach to that kind of situation

by the zoning process. He said it would be nice to see more green plants. Maybe three and a half foot berms with green plants on top would help bring fresh air to the space. He questioned whether the ratio of canopy trees to parking spaces was sufficient and reiterated he would like to see more green space at the site.

José de Jesus Zamora stated he wanted comment on some of the items Mr. Laidlaw had mentioned regarding the property where a parking lot was built without permission or the proper permits. He stated when Humberto Lopez and Michael Lyman initially spoke to him, they indicated they had already received approval from the City and things were ready to go. Mr. Zamora said he believed them. He said within a week, they had graded the beautiful desert property. He said he saved the vegetation they had not, like barrel cactus and such, and replanted them by his property. He stated the other residents were not given an opportunity to oppose the rezoning. He said the applicants did not speak with the other residents. Mr. Zamora said the grading occurred on October 9, 2004. No notice was posted that this would occur. He said the area was poorly maintained until now.

Mr. Zamora said the amendment called for a six-inch wall, but later on the applicant was able to have the City approve the four-inch wall that was built. He said to reward the owner for illegally constructing the parking lot was not right. He said he thought the lot should be restored to its natural status, although it was impossible. Mr. Zamora said canopy trees on the west and south sides and within the parking lot had not been installed. He said the wall had been painted poorly. The weeds that had grown at the base of the wall had not been removed and were just painted over. He said a crew came to his house and removed the Palo Verde tree stumps he had complained about. He said Palo Verde trees could not just be cut; they needed to be dug up.

Mr. Zamora stated Mr. Lopez must have realized the person he had hired did not do the job right and hired someone new who dug up the trees and cleared a pathway. There was an alleyway between his house and his neighbor's connecting to a culvert at the end of their cul-de-sac. All the grass and trees had stopped the water. He said it was not bad if the water evaporated, but the water would not evaporate because the ground was saturated and it was a good breeding ground for mosquitoes. In conclusion, he said the mesquite trees that were supposed to be planted on the East Side were not staked and was no longer standing.

Mr. Laidlaw commented on the removal of the stumps, which was successfully completed. He stated this was done as a favor to address Mr. Zamora's concerns regarding the vegetation in the drainage way, although it was not part of the zoning 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.

Mayor Walkup asked if there was further discussion or comments before considering the request.

Vice Mayor Scott asked about the comment Mr. Zamora made regarding the painting of weeds, but not the wall.

Mr. Laidlaw stated the wall in question was six hundred feet along Pantano Road and six hundred behind the existing call center. Mr. Lopez contracted with Graffiti Protective Coatings (GPC). They came and spray painted the walls, half of which were in the subject rezoning area. Under the contract, if there was vandalism to the wall, it would be repainted within twenty-four hours. He said Mr. Zamora's concern was that the wall was not painted to ground level and it was possible weeds and grass were painted. He said he did not believe this was the applicant's fault.

Council Member West asked Mr. Laidlaw if the Council voted on the item, and things needed to be taken care of, would the applicant take care of them.

Mr. Laidlaw responded affirmatively. The graffiti treatment was a rezoning condition being done in advance and the applicant knew he must continue the upkeep and he was maintaining vegetation in the alley.

It was moved by Vice Mayor Scott, duly seconded, and passed by a voice vote of 7 to 0, to authorize the request for rezoning as recommended by the Zoning Examiner.

**9. ZONING: (C9-05-12) RB PRICE – HERMAN'S ROAD, SH/C-2 TO R-1, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 450, dated August 6, 2007, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10440 by number and title only.

Ordinance No. 10440 relating to zoning: amending zoning district boundaries in the area located north of the alignment of Herman's Road and south of I-10, in Case C9-05-12 RB Price - Herman's Road, SH/C-2 to R-1, and setting an effective date.

It was moved by Vice Mayor Scott, duly seconded, to pass and adopt Ordinance 10440.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Ordinance 10440 was declared passed and adopted by a roll call vote of 7 to 0.

**10. ZONING: (C9-07-07) WASHINGTON FEDERAL SAVINGS – BROADWAY BOULEVARD II, R-3 TO C-1, CITY MANAGER’S REPORT**

Mayor Walkup announced City Manager's communication number 432, dated August 6, 2007, was received into and made a part of the record. He also announced this was a request to rezone property located between Swan and Craycroft Roads, on the south side of Broadway Boulevard. The Zoning Examiner and staff recommended authorization of the rezoning subject to certain conditions. He asked if the applicant or a representative was present. He asked they come forward, state their name and address, and state if they were agreeable to the proposed requirements.

Don Laidlaw, Laidlaw Consulting stated they were in full agreement with all the conditions recommended for the zoning approval and appreciated the Mayor and Council’s vote.

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

**11. ZONING: (C9-06-13) BRAKE MASTERS - HARRISON ROAD, C-1 TO C-2, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 463, dated August 6, 2007, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10441 by number and title only.

Ordinance No. 10441 relating to zoning: amending zoning district boundaries in the area located south of the southeast corner of the Harrison Road and Twenty Second Street intersection in Case C9-06-13, Brake Masters-Harrison Road, C-1 to C-2; and setting an effective date.

It was moved by Vice Mayor Scott, duly seconded, to pass and adopt Ordinance 10441.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Ordinance 10441 was declared passed and adopted by a roll call vote of 7 to 0.

**12. ZONING: (C9-07-12) CITY OF TUCSON – SILVERBELL ROAD, SR, R-1 AND R-3 TO OS, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 464, dated August 6, 2007, was received into and made a part of the record. He also announced this was a request to rezone property located on the west side of Silverbell Road, between Ironwood Hill Drive and Sweetwater Drive. The Zoning Examiner and staff recommended authorization of the rezoning subject to certain conditions. He asked if the applicant or a representative was present.

Hearing no response, Mayor Walkup asked the City Clerk to read Ordinance 10443 by number and title only.

Ordinance No. 10443 relating to zoning: amending zoning district boundaries in the area located on the west side of Silverbell Road, between Ironwood Hill Drive and Sweetwater Drive in Case C9-07-12, City of Tucson - Silverbell Road, SR, R-1 and R-3 to OS; and setting an effective date.

Council Member Ibarra said he wanted to allow a few minutes for public comment before he made his motion.

Barbara Whittaker, President of Sombra del Cerros Neighborhood Association and Chair of the Silverbell Neighborhood Corridor Committee, said they began work in 2004, under various leadership, to research and make recommendations on Silverbell Road transportation issues. She said they worked closely with Andy Dinauer and the Tucson Department of Transportation staff and made recommendations to the Mayor and Council on the Regional Transportation Authority (RTA) plan. While this was occurring, they worked closely with Council Member Ibarra to convert City property west of Silverbell Road, between Ironwood Hills Drive and Sweetwater Drive. This land was in keeping with the hills, valleys, and washes of the Sonoran desert. What they had seen happening, north of Ironwood Hills Drive and Silverbell Road, on the east and west sides, was a lot of high density house developments. Down the road was less dense. The Silverbell Road was a scenic road. She said what they wanted was to develop some balance between high density city housing and lower density housing in keeping with the Sonoran desert. She said they appreciated the work and support Council Member Ibarra had given them, and they hoped the Mayor and Council voted in favor of this item.

Council Member Ibarra thanked City staff for working with and guiding the residents in the rezoning process. He also thanked and recognized the residents in attendance. He said they were the biggest advocates for assuring Silverbell Road was on the RTA ballot and was a priority. He said all the improvements that would occur on Silverbell Road were due to the hard work and dedication of the residents. When two City-owned properties were sold, the City worked with the residents. One of the promises the City made was to rezone the City land on the west side of Silverbell Road to open space to ensure it would not be developed and to also protect that aspect of the scenic corridor.

Ms. Whittaker stated her appreciation of City staff's work on this project. A result of this process was another neighborhood's leader was coordinating a clean-up project for Silverbell Road.

It was moved by Council Member Ibarra, duly seconded, to authorize the request for rezoning as recommended by the Zoning Examiner and pass and adopt Ordinance 10443.

Council Member West acknowledged the neighborhoods that worked collaboratively to make the zoning request happen. Those neighborhoods were Sombras del Cierro, Milagro, Haciendas del Este, and Campana de Plata. She stated this showed real leadership by all the groups involved who came together and worked toward a common goal.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Ordinance 10443 was declared passed and adopted by a roll call vote of 7 to 0.

**13. BUILDING AND DEVELOPMENT: AMENDING THE TUCSON CODE (CHAPTER 23A), IMPACT FEES FOR POLICE, FIRE, AND PUBLIC FACILITIES (CONTINUED FROM THE MEETING OF JULY 10, 2007)**

Mayor Walkup announced City Manager's communication number 467, dated August 6, 2007, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10442 by number and title only.

Ordinance No. 10442 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--I; and declaring an emergency.

Council Member Uhlich stated she wanted to note the input received from the Southern Arizona Home Builders Association (SAHBA). She said she would advocate for the Mayor and Council to proceed as discussed at the last meeting to adopt the ordinance. The next steps would be to visit state statutes and any other adjustments to the ordinance.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Ordinance 10442.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Ordinance 10442 was declared passed and adopted by a roll call vote of 7 to 0.

#### **14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 436, dated August 6, 2007, was 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 7 to 0, to re-appoint Jeffrey B. Blau, P.E., Professional Surface Water Hydrologist, and Lori Jones Woods, Advocate for the Preservation of Washes, to the Stormwater Advisory Committee.

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

Council Member Uhlich announced her appointment of Jennifer Lopez to the Citizens Police Advisory Review Board.

Council Member Leal announced his appointment of Ryan Bruce to the Public Education and Government (PEG) Television Task Force.

#### **15. ZONING: (C9-01-33) LODGE ON THE DESERT – ALVERNON WAY, O-3 TO C-1, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 472, dated August 6, 2007, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10444 by number and title only.

Ordinance No. 10444 relating to zoning: amending zoning district boundaries in the area located on the east side of Alvernon Way, between Poe and Holmes Streets in Case C9-01-33, Lodge on the Desert - Alvernon Way, O-3 to C-1; and setting an effective date.

Kathleen S. Detrick, City Clerk, announced a three-fourths majority vote was required to pass and adopt this ordinance.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Ordinance 10444.

Mayor Walkup asked if there was any further discussion.

Council Member West stated she felt this was a good idea, but asked if consideration was given to where garbage was being collected, site circulation, dealing with the trash noise, and flooding from plumbing.

Council Member Trasoff stated the last time this item was discussed the owner had come forward and stated he worked out the arrangements and everything had been taken care of.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Ordinance 10444 was declared passed and adopted by a roll call vote of 7 to 0.

**16. ADJOURNMENT: 7:37 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, September 5, 2007, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 6th day of August 2007, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD: ypl:rm