



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on March 25, 2008

Date of Meeting: October 16, 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 5:35 p.m., on Tuesday, October 16, 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 (Electronic Attendance at 5:45 p.m.)
Robert E. Walkup	Mayor

Absent/ Excused: None

Staff Members Present:

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Kristobal Fimbres, Native Images, Inc., after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed September 23 to 29, 2007, to be “American Indian Awareness Week”. Kristobal Fimbres accepted the proclamation.
- b. Mayor Walkup proclaimed October to be “National Down Syndrome Awareness Month”. Mandy Scholer and Chad McKinley accepted the proclamation.
- c. Mayor Walkup proclaimed October 21 to 27, 2007, to be “Pastoral Care Week”. John Aubenshine accepted the proclamation.

Roger W. Randolph, Chief Deputy City Clerk, announced Council Member Trasoff was unable to be present at the meeting but would be participating by telephone. He said this was allowable under the Mayor and Council Rules and Regulations. He stated Council Member Trasoff would vote on all matters in the same way as those members physically present, and all votes would be taken by roll call, rather than by voice votes.

Mr. Randolph also announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 563, dated October 16, 2007, was received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member Trasoff thanked the Mayor and Council for the Down Syndrome Awareness Month Proclamation and announced the Buddy Walk would take place on October 27, 2007, at the DeMeester Center at Reid Park. A sister group from Sonora, Mexico would also be in attendance.
- b. Council Member West thanked the Parks and Recreation Department for its work to clean up Loews River Park. She thanked, in particular, the staff from Jesse Owens and Fort Lowell Parks, Benny Young, Fred Gray, Glenn Hicks, Jim Conway and Scott Renfrow.

Council Member West invited the public to attend a town hall meeting on October 24, 2007, at the Ward 2 office, on Tucson Police Department services and the expansion of the Eastside Police Substation. She also invited the public to a Water Harvesting Tour on October 27, 2007, and a Positive Aging Conference on November 1, 2007.

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

Mayor Walkup announced City Manager's communication number 564, dated October 16, 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.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 565, dated October 16, 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. Zona 78, Ward 2
7301 E. Tanque Verde
Applicant: Richard Paul Fink
Series 12, City 73-07
Action must be taken by: October 28, 2007
Development Services has indicated the applicant is not in compliance with city requirements.
Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.

This item was continued to the meeting of October 23, 2007.

Person/Location Transfer(s)

2. Club Turbulence, Ward 5
6608 S. Tucson Blvd.
Applicant: Constance Louise Lane
Series 6, City 70-07
Action must be taken by: October 20, 2007

Tucson Police Department has indicated the applicant is not in compliance with city requirements.

Development Services and Revenue have indicated the applicant is in compliance with city requirements.

Public Opinion: Written Arguments Opposed Filed

(CONTINUED FROM THE MAYOR AND COUNCIL MEETING OF OCTOBER 9, 2007)

This item was considered separately.

c. Special Event(s)

1. Tucson Medical Center Foundation, Ward 1
3645 W. Starr Pass Blvd.
Applicant: Erika Weitzel Grasse
City T82-07
Date of Event: November 9, 2007
(Fundraiser for Children's Miracle Network @ TMC)
Staff has indicated the applicant is in compliance with city requirements.
2. AZ Hemophilia Assoc., Ward 6
22nd St. & Country Club
Applicant: Alexis Jennifer Christensen
City T86-07
Date of Event: November 10, 2007
(Raise Funds for the Organization)
Staff has indicated the applicant is in compliance with city requirements.
3. Spay and Neuter Solutions, Ward 6
300 E. University
Applicant: Katalin Z. Powers
City T87-07
Date of Event: October 27, 2007
(Fundraiser for Animal Welfare Non Profit)
Staff has indicated the applicant is in compliance with city requirements.
4. Holy Family Roman Catholic Parish, Ward 1
338 W. University
Applicant: Rev. Alonzo M. Garcia
City T90-07
Date of Event: November 3, 2007 - November 4, 2007
(Fund Raiser – Annual Fiesta)
Staff has indicated the applicant is in compliance with city requirements.

5. Tucson Celtic Festival Association, Ward 3
 4502 N. First Ave.
 Applicant: Sharon Ann Caldwell
 City T91-07
 Date of Event: November 2, 2007 - November 4, 2007
 (A Cultural Festival / Tucson Celtic Festival & Scottish Highland Games)
 Staff has indicated the applicant is in compliance with city requirements.

6. Tucson-Sunshine Kiwanis Club, Ward 2
 2959 N. Swan Rd.
 Applicant: Betty Jane Misch
 City T92-07
 Date of Event: November 11, 2007
 (Raise Funds for the "Beads of Courage" Program)
 Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

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

It was moved by Council Member Trasoff, duly seconded, to forward liquor license applications 5c1 through 5c6 to the Arizona State Liquor Board with a recommendation for approval.

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

Absent/Excused: None

The motion to forward liquor license applications 5c1 through 5c6 to the Arizona State Liquor Board with a recommendation for approval was declared passed by a roll call vote of 7 to 0.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

Person/Location Transfer(s)

2. Club Turbulence, Ward 5
6608 S. Tucson Blvd.
Applicant: Constance Louise Lane
Series 6, City 70-07
Action must be taken by: October 20, 2007
Tucson Police Department has indicated the applicant was not in compliance with city requirements.
Development Services and Revenue have indicated the applicant was in compliance with city requirements.
Public Opinion: Written Arguments Opposed Filed
(CONTINUED FROM THE MAYOR AND COUNCIL MEETING OF OCTOBER 9, 2007)

Roger W. Randolph, Chief Deputy City Clerk, said the application to be considered separately was Item 5b2, Club Turbulence, located in Ward 5. The applicant submitted a letter indicating she was not going to proceed with the application. However, the applicant did not file a written request with the State, so this item would be considered. Four letters were sent to the City Clerk's office to be entered into the record. Those letters were forwarded to the Mayor and Council.

Michael Rankin, City Attorney, presented background information on this item, as this was an unusual liquor license consideration. He said the applicant submitted, late that afternoon, additional information for the record, namely a letter explaining that she intended to withdraw her application which was consistent with a letter delivered on Friday. But, for legal reasons, she had been advised by her attorney not to formalize the withdrawal by filing the appropriate paperwork with the Arizona State Department of Liquor License and Control (DLLC).

Mr. Rankin further explained the applicant also submitted letters that had been issued by the Director of DLLC earlier in the year indicating she was eligible to apply for a license at this location. This particular location was the subject of a liquor license application in 2003 and in 2005 which both were denied. There was a provision in Title 4 of the Arizona Revised Statutes that provided if a particular location was denied twice, before the Director of DLLC could accept a new application for that location, five years had to pass from the second denial.

The Director of DLLC had issued letters, which were the ones the applicant submitted, indicating she was eligible to reapply because one year had passed since the previous application. The Director issued those letters without having complete

information regarding the fact that both of the prior denials were for the same location. The cause of confusion arose because the first and second applications had slightly different addresses. The reason for that was in between the time period of the first application and second application, there had been a lot split. The lot split resulted in a new address numbering for the location. The Director was not privy to that information when he issued the letters. The application was filed and proceeded through the normal course of business and was now in front of Mayor and Council.

Mr. Rankin said the applicant learned of the Director of DLLC's realization and of the City's position that they really did not have the ability to apply until 2010, under State Law, and the applicant indicated on Friday that Club Turbulence would withdraw the application. Since they were considering certain legal issues, with respect to the letters that were issued from the Director, the applicant indicated she was uncomfortable finalizing the paperwork with the State formally withdrawing the application.

Mr. Rankin said technically the application was still pending. He did not believe this would actually proceed all the way to the liquor board for resolution. He thought it would be withdrawn or simply rejected ultimately by the Director of DLLC because of the application of the State Law. He said because the issue was pending, he recommended the Mayor and Council recommend denial both for the legal reason, as well as concerns about the suitability of the location. The Mayor and Council had received letters of protests that were made part of the record that had been filed. Mr. Rankin added it would be appropriate to ask if the applicant was present and if she had anything to say. If protesters were present, the City could acknowledge their presence and the fact that they protested the issuance of the license. The Mayor and Council had in the record the Tucson Police Department's (TPD) written protest and objections to the license. Mr. Rankin said that due to those issues, he would ask the Mayor and Council to proceed and make the appropriate motion.

Council Member Leal asked if the applicant was present. The applicant was not. Council Member Leal asked a representative from the Tucson Police Department to give the Mayor and Council their overview of the situation.

Roberto Villaseñor, Assistant Police Chief, Tucson Police Department, said the Mayor and Council had written statements of TPD's position on this application as stated by the City Attorney. TPD believed the applicant should not, by law, be able to apply until 2010. There were additional problems with the establishment and the application for a liquor license. Two significant events of violence had occurred at the establishment. One of the events was a homicide; a shooting that occurred in the parking lot of the location where one subject who was arriving at the establishment to go inside was shot and killed. Another event occurred in February 2007, where opposing groups of individuals inside the establishment got into an altercation over a female in the establishment. Leaving the bar, the individuals proceeded to get involved in a road rage incident and this turned into a running gun battle away from the bar.

Assistant Chief Villaseñor stated TPD's concern was that these events were happening in a location without alcohol that was destined to attract probably young male individuals who would be more prone to violent acts. If alcohol was introduced into that environment, it would complicate the matter further. Based upon these facts, as well as the legal ramifications of the application, TPD felt that it would be prudent to give a non-compliance recommendation.

Council Member Leal said it was important to note that over the years the Council had been hearing cases; TPD was not reckless or quick to give a non-compliance recommendation. He said he knew TPD reached these conclusions as a result of much thought and TPD took it very seriously. The Mayor and Council should listen to the analysis that was presented. He noted the City had received protest letters from the Tucson Airport Authority, Sunnyside School District, a number of businesses in the area, Sunnyside Neighborhood Association, and others he might have forgotten. Council Member Leal stated he would call forward four speakers.

Scott Zachary, representing JBR, LLC and their affiliates, said they were currently developing a hotel lot just north on the east side of Tucson Boulevard, south of the Holiday Inn, and north of the Clarion Hotel. The project was currently in the early stages of permitting. He said they expected the project to cost about fifty million dollars in construction and two or three million dollars for other expenses. The property was an upscale property that would be well known to many people. It represented 1.5 million dollars in payroll, and perhaps a million dollars in taxes to various government agencies.

Mr. Zachary said he was present because he and the other principals were very concerned about this strip and this development. Mr. Zachary said they had traditionally been involved on this strip. They had several other hotels that had been sold. He said he and his associates could spend that money anywhere, but they would rather spend it there, where he said it should be done. Mr. Zachary said he was very concerned about this, and his group suggested, two years ago, that something very similar to what had transpired in Phoenix could transpire in Tucson.

Mr. Zachary said he and his associates would be in the position of making a decision about what they were going to do. He said he loved Tucson, the ability to be here, and that the other principals had allowed him to be here. He said he wanted to stay in Tucson and was concerned about what had transpired in the two years since he and his associates last made their concern known. Mr. Zachary and his associates had evidence that their concerns were correct. He said he had been in the hotel business for about twenty years and was in the restaurant business for seven years before that. As an economist, there were certain things he could predict and he would like to be able to say he was right. Mr. Zachary said this location was the entry to the community. He thought they needed to be concerned about how this matter was handled.

Yolanda Herrera, government liaison for the Sunnyside Neighborhood Association and President of the Southside Neighborhood Association's Presidential Partnership, said she was present on behalf of the south side community, and stated they

extended out to the whole community in Tucson. As Mr. Zachary mentioned, this was the entry and gateway to Tucson. She asked what impression the City wanted to give guests and residents of Tucson. Ms. Herrera asked those in the audience, who were not going to be able to speak or did not wish to speak, to stand up and show their support of a denial for the application. She asked the Mayor and Council to take into consideration all the people that had taken time out of their busy schedules and money to be at this meeting. Some people had probably come to previous meetings where this item was continued. That was why the community was present because, they did not want to take any chances and allow anything to slip through the cracks. She thought it was evident the community was saying loudly that they wanted the Mayor and Council to deny the application.

Ms. Herrera said the community favored a seven to zero vote so the State Liquor Board understood it was a big concern as stated by the Tucson Police Department. She mentioned the homicide and gun battle in her letter of protest. She said she sent an article earlier in the day to the Mayor and Council from the Pacific Institute of Research and Evaluations. It stated how alcohol outlets affected neighborhood violence. It would reiterate what the TPD Chief stated. She said by allowing alcohol in different kinds of establishments, you could hear different kinds of advertisements, would have cheap prices that encouraged binge drinking, and would have secondhand effects of alcohol that threatened public safety and City enrichment. Alcohol did not pay its fair share of the cost for alcohol-related problems. All of this was just part of the bigger picture. Therefore, she was present to ask the Mayor and Council to deny this application.

Council Member Leal said he failed to include Luz Social Services, an important and caring member of the south side community, in the opposition of the Club Turbulence liquor license application.

Gene Repola, Sunnyside Unified School District, said he wanted the Mayor and Council to know the school district had sent letters stating they were opposed to the continuance or issuance of a license. Mr. Repola thought the TPD Assistant Police Chief made a very good point of what had happened at Club Turbulence. The community was very fortunate that there were no students or any constituents who had been involved in any incidents in that area.

Mr. Repola referenced the agenda that an application had to be “in the best interest of the community” and “will be substantially served by the issuance of a license.” He stated he did not think that was true and as a representative of the Board of the Sunnyside Unified School District, they did not believe that either. He said therefore, the Sunnyside School District was against the issuance of the liquor license.

Manny Herrera stated the Mayor and Council had seen him at many meetings, and they would probably continue to see him in future meetings if the Mayor and Council considered approving the application. He said that he had lived in Tucson since the year he was born. His great-grandparents had lived here since the Gadsden Purchase. He and his wife had been married for sixty years and had lived in the south side for fifty-five

years. One thing that he learned was that one should not worry if children did not listen to you; you should worry they were watching you. He asked, with this proposal for Club Turbulence and all the schools surrounding the area, what kind of an example were the young people receiving. He vehemently protested the issuance of any license to Club Turbulence.

Council Member Leal said he would generate an overview of the speakers' opinions. As the City Attorney mentioned, this location had been before the Mayor and Council twice and was denied. It had two slightly different addresses. For all intents and purposes, it was really the same place. That was one of the confusions the State had. He said he did not think that confused anyone else. He thought TPD's overview recommended denial based on the fact that there was a five-year clock that started in 2005, and this was the second denial at the same place.

Council Member Leal said the other situation that TPD mentioned was very serious. There had been homicides at Club Turbulence, which somewhat reflected management and reflected how the patrons felt about the place. It showed the kind of danger that was present for anyone in the adjacent area. When customers came by car, the danger spread further. Then, there was the issue of suitability in terms of whether it provided convenience for the people in the area. There was no current inconvenience, so it was not as though this solved a problem that existed.

Council Member Leal said there was no problem, no burden with regard to obtaining alcohol in the area because of the number of licenses there. The Mayor and Council had been intimately involved and opinionated over time around the other applications. They had always worked hard to be fair and give people the benefit of the doubt. They had worked openly to accommodate meeting requests or any potential new information or arguments the applicants had. He said he knew the entire Council did this and believed they met with everyone. He thought it was confusing, as well as disturbing, to those members of the community in attendance who heard the applicant submitted a letter saying they were not going to apply. Yet when the State advised the applicant to put that information on a particular form, the applicant refused to do so.

Council Member Leal said one could see and understand the management style, the reflexes of the person, and also look at the issue of suitability, and the ability to manage. Being given a liquor license was a very serious, very significant collection of responsibilities. The consequences of not doing that job right were very significant. He said he thought one could get insight into how the applicants conducted themselves, as they did from different things that were done and in the other times they applied. He thought this further reinforced the City's conclusion and recommendation that this application should go to the State with a recommendation for denial.

It was moved by Council Member Leal, duly seconded, to forward liquor license application 5b2 to the Arizona State Liquor Board with a recommendation for denial.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

The motion to forward liquor license application 5b2 to the Arizona State Liquor Board with a recommendation for denial was passed by a roll call vote of 7 to 0.

Council Member Leal thanked the community for maintaining its involvement and its integrity. He also thanked his colleagues whom he knew were somewhat divided on some points about this application. As the discussions became clearer, the Mayor and Council rose to the occasion and did the right thing.

Council Member West said she was deeply disappointed Zona 78 was non-compliant. It was a C-1 zoned restaurant in Ward 2. She asked the City Clerk's office to put packets together for potential liquor licenses applicants that included information on the need for C-1 zoned restaurants to hold a neighborhood meeting if the restaurant was less than three hundred feet from a neighborhood. She suggested because this had caused some problems for a reputable restaurant. Zona 78 had requested a one-week continuance so they could get their labels and hold a neighborhood meeting. Council Member West asked the City Clerk's office make sure, in the future, all potential applicants had this information in their packets so this would not happen again.

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 were limited to three-minute presentations.

- a. Michael Toney said it was his belief the University of Arizona (UA) could not obligate the State to pay for the UA's Science Center.
- b. Erik Ryberg said there was a failure in the record retention policies of the Tucson Police Department.
- c. Joe Sweeney spoke regarding the reform of naturalization processes, employee hiring, and border issues.

7. CONSENT AGENDA – ITEMS A THROUGH N

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

A. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE OLD PUEBLO TROLLEY, INC.

1. Report from City Manager OCT16-07-566 WARD 6
2. Resolution No. 20800 relating to Finance; approving and authorizing the allocation of Two Hundred Dollars (\$200) from Ward 6 Office Community Support Fund, Account No. 001-183-1898-268, to the Old Pueblo Trolley, Inc. to help support Old Pueblo Trolley, Inc. and the Southern Arizona Transportation Museum; and declaring an emergency.

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

B. REAL PROPERTY: ACQUISITION OF RIGHT-OF-WAY AND CONSTRUCTION EASEMENT FOR THE SPEEDWAY BOULEVARD/MAIN AVENUE INTERSECTION IMPROVEMENT PROJECT (CONTINUED FROM THE MEETING OF OCTOBER 9, 2007)

1. Report from City Manager OCT16-07-579 WARD 3
2. Resolution No. 20795 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property for right-of-way purposes along Main Avenue and Speedway Boulevard for the Speedway Boulevard/Main Avenue Intersection Improvement Project; and declaring an emergency.

This item was continued to the meeting of October 23, 2007, at the request of Council Member Uhlich.

C. INTERGOVERNMENTAL AGREEMENT: ACCEPTANCE OF GRANT FUNDS FROM THE TOHONO O’ODHAM NATION FOR HOUSING REHABILITATION

1. Report from City Manager OCT16-07-567 CITY-WIDE

2. Resolution No. 20801 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Tohono O'odham Nation accepting a grant for housing rehabilitation for low-moderate income homeowners; and declaring an emergency.

This item was considered separately at the request of Council Member Uhlich.

- D. PROCUREMENT: EXTENDING THE SUNSET DATE OF THE MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE PROGRAM
 1. Report from City Manager OCT16-07-569 CITY-WIDE
 2. Ordinance No. 10464 relating to the Minority and Women-Owned Business Enterprise (MWBE) Program; extending the Minority and Women-Owned Business Enterprise (MWBE) Program through June 30, 2008; and declaring an emergency.
- E. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPLEMENTATION OF TWO PARK-AND-RIDE PROJECTS
 1. Report from City Manager OCT16-07-572 WARDS 2 AND 4
 2. Resolution No. 20802 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 for implementation of two park-and-ride projects; and declaring an emergency.
- F. TUCSON CODE: AMENDING (CHAPTER 28) THE PROCUREMENT CODE TO IMPLEMENT A CONSTRUCTION CRAFT APPRENTICESHIP PROGRAM
 1. Report from City Manager OCT16-07-570 CITY-WIDE
 2. Ordinance No. 10462 relating to procurement; amendment to add a requirement in solicitations for construction services for the successful contractor(s) and their subcontractors to remit a specified portion of the contract award value to an approved construction craft apprenticeship program in Pima County; and declaring an emergency.

G. WATER: AMENDMENT TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT REGARDING THE KOLB ROAD BUSINESS PARK

1. Report from City Manager OCT16-07-573 WARD 4
2. Resolution No. 20804 relating to water; approving and authorizing the amendment to the Kolb Road Business Park Pre-Annexation and Development Agreement; and declaring an emergency.

NOTE: If annexed, area would be in Ward 4

H. INTERGOVERNMENTAL AGREEMENTS: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE DESIGN AND CONSTRUCTION OF BUS PULLOUTS

1. Report from City Manager OCT16-07-571 CITY-WIDE
2. Resolution No. 20805 relating to Intergovernmental Agreements; approving and authorizing execution of Intergovernmental Agreements between the City of Tucson and the Regional Transportation Authority for the RTA Bus Pullouts, Packages 1, 2, and 3; and declaring an emergency.

I. REAL PROPERTY: CONVEYANCE OF PROPERTY LOCATED ON WEST MENLO PARK PLACE TO CHICANOS POR LA CAUSA

1. Report from City Manager OCT16-07-576 WARD 1
2. Ordinance No. 10465 relating to real property; vacating and declaring certain City-owned real property located at 1305 – 1334 West Menlo Park Place to be surplus property; authorizing the conveyance thereof to Chicanos Por La Causa for the construction of affordable housing; and declaring an emergency.

J. GRANTS: GRANT-IN-AID AGREEMENT WITH THE TOHONO O’ODHAM NATION FOR GAMING DISTRIBUTION GRANT RECIPIENTS

1. Report from City Manager OCT16-07-568 CITY-WIDE
2. Resolution No. 20806 relating to finance; approving Grant-in-Aid Funding from the Tohono O’odham Nation for 2007 for certain entities; authorizing the Director of the Department of Finance to enter into Fiscal Agent Agreements between the City of Tucson, the Tohono O’odham Nation and such entities; and declaring an emergency.

K. INTERGOVERNMENTAL AGREEMENT: WITH THE PIMA COUNTY SHERIFF'S DEPARTMENT FOR THE USE OF THE TUCSON PUBLIC SAFETY TRAINING ACADEMY

1. Report from City Manager OCT16-07-578 CITY-WIDE
2. Resolution No. 20807 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Pima County Sheriff's Department for use of Tucson Public Safety Training Academy (PSTA); and declaring an emergency.

L. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE ALLIANCE FUND

1. Report from City Manager OCT16-07-581 WARD 5
2. Resolution No. 20808 relating to Finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from Ward 5 Office Community Support Fund, Account No. 001-183-1898-268, to the Alliance Fund, a special project of the Community Foundation of Southern Arizona; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows:
Council Member Leal - \$100.00.

Roger W. Randolph, Chief Deputy City Clerk, announced Resolution 20808 would be amended to include an additional contribution of one hundred dollars from Council Member Trasoff to Council Member Leal's original contribution of one hundred dollars for a total of two hundred dollars.

M. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE ARIZONA ASSOCIATION FOR ENVIRONMENTAL EDUCATION

1. Report from City Manager OCT16-07-582 WARD 1
2. Resolution No. 20809 relating to Finance; approving and authorizing the allocation of Three Hundred Fifteen Dollars (\$315) from Ward 1 Office Community Support Fund, Account No. 001-183-1898-268, to the AAEE (Arizona Association for Environmental Education) for the Inaugural Green Festival: "Livin' la Vida Verde" at Mission Manor Park; and declaring an emergency.

This is a request by Council Member Ibarra. Allocation of funds is as follows:
Council Member Ibarra \$315.00.

Roger W. Randolph, Chief Deputy City Clerk, announced Resolution 20809 would be amended to include additional contributions of five hundred dollars from Council Member Leal and two hundred dollars from Council Member Trasoff to Council Member Ibarra's original contribution of three hundred fifteen dollars for a total of one thousand fifteen dollars.

N. INTERGOVERNMENTAL AGREEMENT: ACCEPTANCE OF FUNDS FROM THE PASCUA YAQUI TRIBE FOR ACADEMIC ACHIEVEMENT IN THE TUCSON UNIFIED SCHOOL DISTRICT

1. Report from City Manager OCT16-07-580 CITY-WIDE
2. Resolution No. 20810 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Pascua Yaqui Tribe to provide funding for academic achievement in the Tucson Unified School District; and declaring an emergency.

It was moved by Council Member West, duly seconded, that Consent Agenda Items A through N, with the exception of Item B, which was continued to the meeting of October 23, 2007, and Item C, which was considered separately; and with the amendments to Items L and M, be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Consent Agenda Items A through N, with the exception of Item B, which was continued to the meeting of October 23, 2007, and Item C, which was considered separately; and with the amendments to Items L and M, were declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM C

C. INTERGOVERNMENTAL AGREEMENT: ACCEPTANCE OF GRANT FUNDS FROM THE TOHONO O’ODHAM NATION FOR HOUSING REHABILITATION

1. Report from City Manager OCT16-07-567 CITY-WIDE
2. Resolution No. 20801 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Tohono O’odham Nation accepting a grant for housing rehabilitation for low-moderate income homeowners; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Resolution 20801 with additional direction that funds be administered through the Affordable Housing Trust fund.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Resolution 20801 was declared passed and adopted by a roll call vote of 7 to 0.

9. RIO NUEVO: APPROVING AN EXPENDITURE OF FUNDS BY THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT REGARDING CONSTRUCTION AT GRANDE AVENUE AND CLEARWATER DRIVE

This item was taken out of order at the request of Council Member Ibarra.

Mayor Walkup announced City Manager’s communication number 575, dated October 16, 2007 was received into and made a part of the record. He asked the City Clerk to read Resolution 20803.

Resolution No. 20803 relating to Rio Nuevo; approving an expenditure of Six Hundred Ninety Three Thousand Dollars (\$693,000) in Rio Nuevo Tax Increment Funds for the construction of a roundabout at Grande Avenue & Clearwater Drive and a replacement house on affected right of way property; and declaring an emergency.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Resolution 20803.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Resolution 20803 was declared passed and adopted by a roll call vote of 7 of 0.

8. PUBLIC HEARING: INCLUSIVE HOME DESIGN ORDINANCE

Mayor Walkup announced City Manager's communication number 574, dated October 16, 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 regarding the Inclusive Home Design Ordinance. The public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. Mayor Walkup announced staff would make a brief presentation before beginning the public hearing.

Ernie Duarte, Director of Development Services Department (DSD), said this item was brought forward at the request of the Mayor and Council Children, Families and Seniors Strategic Focus Area Subcommittee. It involved the proposed adoption of the Inclusive Home Design Ordinance, which provided a level of accessibility to new residential construction. Some of those elements of accessibility included an accessible path to the house, from the street or common area, an accessible entrance into the house, which meant a no step entrance. The garage door or the garage itself could be used as an accessible entrance. An accessible route within the house would be thirty-six inches wide to the primary functions of the house including bedrooms, kitchens, and baths. Mr. Duarte stated it would not apply to sunken areas or floors above the main floor. He said it also included lever type door hardware on the doors within the accessible path, and accessible mounting heights for light switches, thermostats, and receptacles. It also called for the backing of future installation of the shower grab bars and toilet grab bars.

Mr. Duarte said the ordinance would not apply to existing residential construction so there would not be a retrofit provision. The proposal was identical to the Inclusive Home Design Ordinance currently in place in Pima County, which had been in place since October 2002. Mr. Duarte stated there were a number of stakeholders who had been involved in the review of the ordinance including the Pima Council on Aging, the Commission on Disability Issues (CODI), the Southern Arizona Home Builders' Association (SAHBA), and staff from the Community Services Department and the City Attorney's Office. In addition to stakeholder review, the ordinance was reviewed by Joint City/County Building Code Committee which also formed a subcommittee to study this particular matter. Both committees recommended adoption of the ordinance as presented, with the addition of Section 303.4 of the American National Standards Institute (ANSI) standards.

Mr. Duarte said that on September 5, 2007, staff presented this particular item to the Mayor and Council, who directed them to meet with CODI and SAHBA to resolve issues related to the half-inch ramping requirement in Section 303.4 of the ordinance as referenced in the communication. On September 27, 2007, staff presented the results of the meeting between CODI and SAHBA, to the Children, Families and Seniors Subcommittee. Mr. Duarte said the ordinance before the Mayor and Council reflected the results of that last meeting. He said in the discussion of the details of the ordinance they failed to recognize an effective date of the ordinance so it was not included in the communication. In talking to the stakeholders, everyone agreed January 1, 2008, would be the start date of the ordinance.

George McFerron, Chairman of the Commission on Disability Issues, said CODI was the one who started this process as Mr. Duarte explained everything to the Council. One of the functions of CODI was to bring forward issues like this for Mayor and Council consideration and, hopefully, for adoption. CODI sent a letter to the Mayor and Council in December 2006, stating CODI had enthusiastically and unanimously voted in November 2006, to promote, provide, and support an Inclusive Home Design Ordinance. They hoped this ordinance was identical to the one approved by the Pima County Board of Supervisors and had been in effect for five years in Pima County be adopted by the City of Tucson. CODI endorsed the ordinance and hoped the Mayor and Council adopted the ordinance so that the City was compatible with Pima County.

Peri Jude Radecic, Executive Director of the Arizona Center for Disability Law (ACDL), said they were the largest provider in the state of free legal and advocacy services to children and adults with disabilities. She thanked CODI, SAHBA, and the Pima Council on Aging for coming together to propose this ordinance. It was an important step for people with disabilities and those who were aging who might find themselves with disabilities to have a home that already had key accessibility elements in the design of the home. ACDL supported this ordinance and urged its approval.

Ms. Radecic said at the ACDL, they received about thirty-two hundred phone calls a year from people with disabilities who complain about housing discrimination. About five percent of those calls were actually related to housing discrimination. A good

portion of the calls were related to builders who refused to comply with the law and build homes to accommodate homebuyers with disabilities. By adopting the ordinance, the Mayor and Council would be taking care of a big problem for people with disabilities by requiring essential design elements in the home. This was an important issue. She stated ACDL appreciated the consideration and urged its adoption.

Nancy Schaper said she supported the ordinance. She worked in the health care field with the elderly and disabled population. She said she absolutely supported this ordinance and stated it would go a long way to help create homes with more accessibility for the elderly population and urged approval of this ordinance.

Tracy Williams said she was a lifetime resident and a copper letter recipient for her eight years of service on the Commission on Disability Issues (CODI). CODI had been working on this Inclusive Home Design Ordinance for many years, not only with Pima County but also with the City of Tucson. This was a good thing for families, children, and the aging population. The first baby boomer just applied for Social Security. The baby boomers were booming and their population would only increase.

Ms. Williams said Tucson had a history of being a location where seniors wanted to retire, where people wanted to come and be healthy as seen by the growth in spa and fitness industry. Over the years, Tucson Medical Center (TMC) had been a great hospital and accommodating if a person incurred a disability, one necessarily did not want to be in this position. She said she was present to tell the Mayor and Council that she wished the house she moved into when she married her husband had these simple features. They were not costly when the features were put in a brand new home. It was preventive medicine for one's lifestyle. She encouraged the Mayor and Council to adopt the ordinance for the lifestyle of everyone in Tucson. No one knew when it could happen, but everyone knew aging was inevitable.

Lori Lusting, representing the Southern Arizona Home Builders Association, thanked the Mayor and Council for the additional time granted to the stakeholders at the last study session, for having the additional meeting, and then going to the Children, Families, and Seniors Subcommittees one more time. She said she did not attend the last stakeholder committee meeting, but Alex Jacome from her office did. At that meeting Mr. Jacome and Mr. McFerron met and discussed the ramp issue. That was the only issue in contention. They agreed to proceed without the ramping requirement; in other words, they agreed the City of Tucson ordinance should mirror the Pima County ordinance, as it was currently, not as it might be amended in the future.

Ms. Lusting said that recommendation was carried to the Subcommittee at the end of September, and the Subcommittee voted to move the ordinance to this meeting. She said she understood there was some concern about the ramping issue. It would require a step greater than one half-inch to be ramped. The threshold was currently three-quarters of an inch. It would also render the garage useless as an avenue of ingress and egress. Many of the garages were built with a step in front of the garage or

at the head of the garage, and that afforded people the ability not to drive their cars into heating elements, washers, dryers, and other storage items.

Ms. Lusting said in many of the houses that were built had that step and it would be difficult to ramp. To put the ramp in would encroach in the parking area and then the garage would have to be widened to allow two cars to park side by side. She said there were some practical issues to ramping that had not been perused or discussed. The agreement among the stakeholders was to mirror the County's current ordinance. She asked the Mayor and Council to honor the agreement among the stakeholders, and the Subcommittee's recommendation to the Mayor and Council. She said she had not heard anyone say it was "do or die" on the ramping issue.

Ms. Lusting said she understood when this came to a previous Mayor and Council, a number of years ago, there was not an agreement among the stakeholders, and the City did not have a visibility or Inclusive Home Design Ordinance. She said the Mayor and Council had the ability to put this in place now. They had the ability to see how it worked in the City and discuss the ramping issue in the future if they desired. They had the ability to see if Pima County, who was five years ahead of the City, implemented their ramp requirement and see how it worked in the County. She asked the Mayor and Council to not delay the issue because there was no disagreement among the stakeholders. She hoped that if there was a disagreement among the Mayor and Council, they would withhold their objections and allow the ordinance to pass and allow the issue to be studied in the future.

Mary Carol Wagner said, as a parent and a concerned citizen, she supported the ordinance and encouraged the Mayor and Council to pass the ordinance. She congratulated CODI and SAHBA for working together and was very grateful to the Mayor and Council for considering this ordinance. She said she hoped for a favorable outcome. She wanted to give anyone who was not familiar with this issue some examples of how important this issue was. Ms. Wagner stated she was a parent of a seventeen-year old. When her son was fourteen, he had surgery on his feet and was required to use a wheelchair; their house was not accessible. The wheelchair was kept at his school in the nurse's office. Ms. Wagner said her son used crutches at home, went to school on crutches, then switched out to the wheelchair for the school day, and then switched back to crutches to come home. That problem was unforeseeable. They did not think about looking for a house that was accessible when they were looking for a new home. Ms. Wagner said her twelve-year old son was diagnosed with leukemia when he was eight. Although he did not need to use a wheelchair while he was on chemotherapy, several other families they had met had children who became so ill during their chemotherapy and during their treatment for cancer that they needed to use wheelchairs. Those that did not have accessible homes had even more difficulty than her family. Ms. Wagner said she wanted to mention these things were unforeseeable. Home purchasers or homeowners could not predict the future and did not consider permanent or temporary mobility challenges that could occur in the future. This ordinance was a way of encouraging builders to consider this and she said she thought SAHBA would probably agree with her that houses built this way would

be more attractive, spacious, and generally more pleasant. She said she thought it was just a matter of common sense.

Colette Altaffer said when she and her husband started working on the Inclusive Home Design Ordinance seven years ago, they saw it as a simple and efficient way to create a more welcoming community. She said her husband Bill, regretted not attending the meeting, but on behalf of both of them, the ordinance was more relevant today. Whether they talked about accommodating the needs of the aging population or creating a community that was welcoming to the number of disabled Iraq War veterans, creating sustainable housing that already had a minimum level of built-in accessibility was the right thing to do. She stated at some point in everyone's life that they would all experience a disability. She said that would happen, either as a person with a disability or as the caregiver of a person with a disability.

Ms. Altaffer said this ordinance benefited so many people in the community. She was disappointed to learn the Building Code Committee's recommendation, which was designed to address the issue of steps on the accessible route, was not included in the final draft of the ordinance the Mayor and Council was considering. She and her husband believed access was the most important fundamental element in the ordinance; even a half-inch step could make a difference between being able to attend a meeting at a neighbor's home or being relegated to the porch. The concerns relating to the garage could be solved by replacing the four-inch step with bollards.

Ms. Altaffer said in the five years that the ordinance had been in effect in Pima County over fifteen thousand homes had been constructed with this basic platform of accessibility features. With the passage of this ordinance in Tucson, it would improve the lives of countless citizens over the long term. It was something that everyone could be proud of. She said this was the reason they urged the Mayor and Council to adopt the Inclusive Home Design Ordinance.

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 to close the public hearing.

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

Absent/Excused: None

The motion to close the public hearing was passed by a roll call vote of 7 to 0.

Council Member West said this had been a long, drawn-out process and thought it had been a good process. At this point, she said she thought it was incumbent upon Mayor and Council to pass an ordinance that included the standards Ms. Altaffer so eloquently spoke about.

It was moved by Council Member West, duly seconded to pass and adopt Ordinance 10463 with the addition of ANSI standards 303.4, changes in level greater than one-half inch shall be ramped, and with the effective date of January 1, 2008.

Vice Mayor Scott said she had questions about what was agreed upon by all the parties. She asked if there was a motion that everyone supported to this point. Vice Mayor Scott asked what the motion was of the Subcommittee, the agreement of the stakeholders, and what the result was of the process everyone went through.

Mr. Duarte said, pursuant to the Mayor and Council's direction on September 5, 2007, the City went back and met with stakeholders, primarily CODI and SAHBA to resolve the issues relating to the ramping requirement. It was agreed upon at that meeting to proceed with the ordinance that was now under consideration, absent Section 303.4, the ramping requirement and that was reported to the Children, Families, and Seniors Subcommittee on September 27, 2007.

Vice Mayor Scott said at this point, there was unanimous agreement among the stakeholders over a long process as Council Member West mentioned. There was now a request to add a piece that was not discussed or reviewed by all the stakeholders to date. Vice Mayor Scott said she felt that it would be better to honor the process and pass what was before the Mayor and Council and what had been discussed instead of including something the stakeholders had not reviewed.

The motion would say to pass what was before Mayor and Council with a caveat to include the ramping portion at the same time Pima County passed such a similar adjustment. Vice Mayor Scott said she would feel more comfortable doing this and said she would like to see this ordinance pass. She wanted to honor the process and the people who had a stake in this issue and had put a lot of time and effort into it.

A substitute motion was made by Vice Mayor Scott to pass and adopt Ordinance 10463 as presented, with the caveat that the addition of the ramp shall occur when and if Pima County included it in their ordinance.

Council Member West said this ordinance had been ready to go at a study session. SAHBA, without any knowledge from the Children, Families and Seniors Committee or at least without the knowledge of Council Member West who was the Chair of the Subcommittee, came forward with this ramp issue, and at the last minute causing further delay. The City had been working on this item since 2002, when it was brought to the Subcommittee. Vice Mayor Scott was accurate in saying in order to get this ordinance

back on the agenda and get it passed, the Subcommittee agreed to forward what was brought to them. Since then, there had been a feeling on the parts of Council Member West, as the Chair, and other members of this body, that the Mayor and Council needed to move ahead with a full ordinance rather than half an ordinance. She said she thought this was important to pass that evening.

Council Member Uhlich said she wanted to speak against the substitute motion and in favor of the original motion. She said she recalled it was a very last minute request and it disappointed many people; this was further delayed over the issue of 303.4; it was important to recognize this was an ANSI standard. It was not something they were making up along the way. These were established criteria and standards utilized widely. She said that she would not vote in favor of an ordinance that allowed for barriers along the accessible route.

Council Member Uhlich said either the Mayor and Council were going to create accessible routes, or they would not. To make an exception and allow one-half inch type barriers without appropriate ramping negated a good share of the intent. She understood the notion of being in line with Pima County. She stated she was pleased the Mayor and Council had good relationships with the Board of Supervisors and ongoing communication. She said she had every expectation and reason to believe Pima County would add this to their ordinance. She stated that she did not see why the Mayor and Council needed to wait for the County to lead when they were in a position to do the right thing and support that direction.

Council Member Leal said the subject at hand was accessibility to have some reasonable ease in a home and to stay living in a home over time. He said he did not think the Mayor and Council should be half-hearted about things that were incomplete or make the community think they were doing the right thing, when they were not completely doing the right thing. This was already part of the national standard for this type of code work. He said he liked it when the City and Pima County did things together, but he did not necessarily think it was something the Mayor and Council did in all cases because it became an inane limitation.

Council Member Leal said the Mayor and Council had the issue before them and should do the right thing. They had reason to hope and expect Pima County would follow suit. The item was on the table, and they should act on it and should include the issue of the ramp. The language that was used said how inane this was. He wondered if there was a barrier in the accessible path was that then an accessible path or not. The main motion was to proceed and it was the right thing.

Mayor Walkup said he thought he heard everyone say at a public hearing the City should adopt something that was consistent with Pima County, and he said he suspected they would move consideration of the ramp issue to another time. He said he would not vote to put something into the ordinance that was inconsistent with the current County ordinance. If the County considered this issue, they would address it at that time, but the

Mayor and Council had the opportunity to do something that put the City in the same playing field as the County and it was the right thing to do.

Council Member Trasoff said she respectfully disagreed. She stated they had the opportunity to do everything at this meeting without further delay. Prior councils discussed this issue for many years. This Mayor and Council had looked at this issue a great deal in the last year. She said she thought it was easy for an able-bodied person to forget how important, or realize how important that half of an inch could be. She said that she was with an older friend of hers, who tripped over a less than a half-inch step a week ago and that fall could have killed her. It may sound dramatic, but the Mayor and Council were talking about people with disabilities.

Council Member Trasoff said what she heard from the commentary was that everyone wanted the Mayor and Council to pass the issue without further delay. Ms. Altaffer was the only one who addressed the issue of the half-inch and to some extent, perhaps some of the people who had been fighting for this so long were grateful just to get something done fearing the half-inch might stop it. Council Member Trasoff said that the half-inch issue was important and agreed with her colleagues who had spoken in this matter; this had been studied and there would be a time when the City would work with Pima County and encourage them to join the City. She supported the motion Council Member West made including the ramping of the half-inch.

Mayor Walkup he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Member Ibarra, Vice Mayor Scott; and Mayor Walkup

Nay: Council Members West, Uhlich, Leal, and Trasoff

Absent/Excused: None

The substitute motion failed by a roll call vote of 3 to 4.

Michael Rankin, City Attorney, read the changes that were required to the ordinance and exhibit so they were in the record before the vote, specifically to add the ramping requirement of ANSI standard 303.4. The amendments to the ordinance that appeared in front of Mayor and Council were as follows:

Section 2 of Ordinance 10463 would be modified to include reference to Section 303.4, Ramped, which was the title of that section. That would be at the top of page 2 of the ordinance.

Mr. Rankin said, with respect to Exhibit A to Ordinance 10463, on top of page 2, the effective date of January 1, 2008, would be inserted, in Section 204 of the exhibit.

Section 303.1, General, would be struck and would not be included in the local amendment because the way it read it exempted 303.4. Section 404.2.5, on page 3 of the Exhibit, would be modified so the last sentence would read, “raised thresholds and changes in level at doorways shall comply with Section 303,” that would include 303.4. On page 4, Section 1003.4.2 would be deleted because it was an exception referencing 303.4. On page 4 Section 1003.5.2.2, Thresholds, would be modified to read “Thresholds shall comply with Section 303,” which included Section 303.4.

Council Member Ibarra requested an amendment to the original motion to urge Pima County to adopt ANSI Standard 303.4 and to delay implementation of this standard in the City’s ordinance until the County adopted it.

Council Member West said she was not agreeable to the amendment.

Council Member Ibarra said he was saddened it had to happen this way. They closed a public hearing on this issue that everyone talked about. The City Attorney read a handful of amendments to an ordinance that had been published but the amendments had not been published. Mayor and Council did this after the public hearing instead of beforehand. He said it troubled him on many levels because this Council was supposed to be the “Inclusive Council.” This Council was going to allow a discussion, a debate, a dialog, and then afterwards, made the decision.

Council Member Ibarra said he was troubled because they were making a decision after they closed the public hearing and then added something to it. No one else had seen this, and it was troubling. He agreed with the item and the issue and the great work that the advocates had done. He thought they had done a great job and said he supported them one hundred percent. He said he would rather have had a dialogue or a debate and seen the additions the City Attorney read beforehand. It would have been more appropriate. With that being the case, the importance was the item, although he did not like the tactics, the way it was done, and the way it came about. He said he would be voting “aye” because the most important aspect was the community and the importance of the item.

Council Member West asked Mr. Duarte if this issue was part of the study session that was held in September 2007.

Mr. Duarte stated the presentation that was given to the study session did represent the viewpoint of the Building Code Committee and the Subcommittees that studied this item further and their recommendation was to go forward with the inclusion of Section 303.4.

Mayor Walkup complimented Council Member Ibarra on his eloquent statements.

Council Member Leal said there were many things people could be ashamed of and one was not doing the right thing until someone else did, and then having the comfort of doing so. He said that was something to be more ashamed of, then what they had heard, and he said he was glad the Mayor and Council were not doing that.

Mayor Walkup asked the City Clerk to read Ordinance 10463 by number and title only.

Ordinance No. 10463 relating to buildings and construction; adopting by reference portions of the 1998 American National Standard Accessible and Usable Buildings and Facilities Code, with local amendments, setting penalties; and declaring an emergency.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote on the motion to pass and adopt Ordinance 10463, with ANSI standards and amendments as read into the record by the City Attorney, with the effective date of January 1, 2008.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

Vice Mayor Scott added she concurred with the remarks made by Council Member Ibarra and said she would not want to stop the passage of this very useful and important ordinance. She said she was very concerned about the addition of language that not everyone present or watching had a chance to review. She said she would support the ordinance at this point because she felt it needed to be passed, but she did not agree with some of the comments made by other Council Members.

Ordinance 10463 was declared passed and adopted by a roll call vote of 7 to 0.

9. RIO NUEVO: APPROVING AN EXPENDITURE OF FUNDS BY THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT REGARDING CONSTRUCTION AT GRANDE AVENUE AND CLEARWATER DRIVE

This item was taken out of order and considered after Item 7.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager’s communication number 577, dated October 16, 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, to appoint Roy Tullgren, and re-appoint Elizabeth Edwards, Mollie Hunter and Joan McNamara to the Pima County/City of Tucson Commission on Addition, Prevention and Treatment.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: None

The appointment and reappointments were declared passed and adopted by a roll call vote of 7 of 0.

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

Council Member Uhlich announced her appointment of Moniqua Lane to the Pima County/City of Tucson Women’s Commission

11. ADJOURNMENT: 7:07 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, October 23, 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, had read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 16th day of October, 2007, and do hereby certify that it was an accurate transcription.

DEPUTY CITY CLERK

KSD:ags:yl:kad