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# Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on February 17, 2010

Date of Meeting: September 9, 2009

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 5:45 p.m., on Wednesday, September 9, 2009, all members having been notified of the time and place thereof.

Roger W. Randolph, City Clerk, announced Council Member Glassman was unable to be present for the evening's meeting, but he would be participating by telephone. This was allowable under the Mayor and Council Rules and Regulations. Council Member Glassman could vote on all matters in the same way as those members physically present as long as he participated in the discussion. On the evening's agenda, all votes would be done by roll call rather than voice vote.

## 1. ROLL CALL

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

Present:

Regina Romero	Vice Mayor, Council Member Ward 1
Rodney Glassman	Council Member Ward 2 (electronic attendance)
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

Steve Leal	Council Member Ward 5
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Staff Members Present:

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

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

The invocation was given by Pastor John W. Miller, Northwest Bible Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed the month of September 2009 to be “National Alcohol and Drug Addiction Recovery Month.” Cynthia Klein accepted the proclamation.
- b. Mayor Walkup proclaimed the month of September 2009 to be “Ovarian Cancer Awareness Month.” Margaret Hoeft accepted the proclamation.
- c. Mayor Walkup presented the 2009 Arizona Parks and Recreation Association’s (APRA) “Outstanding Adaptive Program Award” to Andy Reidy.

Mayor Walkup presented the 2009 Arizona Parks and Recreation Association’s (APRA) “Outstanding Public Official Award” to Council Member Shirley Scott.

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

Mayor Walkup announced City Manager’s communication number 439, dated September 9, 2009, was received into and made 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 Uhlich announced on September 12, 2009, the Ward 3 Council Office was hosting a Neighborhood Safety Fair at the Northminster Presbyterian Church. More than one dozen individuals and agencies would be present, including the Tucson Police Department, Tucson Fire Department, Neighborhood Watch and Pima Council on Aging. Presentations included topics on sun-safety, ID theft, crime prevention tips, and more. She encouraged the public to attend.

Council Member Uhlich also announced on September 9, 2009, the “Bat Night” event would be held at the Rillito River Crossing at Campbell Avenue to celebrate the forty thousand Mexican bats that fly out from under the bridge. She encouraged everyone to arrive early and shop along Campbell Avenue to take advantage of specials the businesses were offering. Council Member Uhlich advised the Ward 3 Council Office was offering free Sun Tran bus service to the event.

- b. Council Member Scott thanked the Pima County Board of Supervisors for approving a bid for the Pantano River Parkway Project that allowed construction to start in October. The River Park would stretch 2.2 miles and include pedestrian and bicycle-friendly paths with picnic tables, landscaping and artwork.

Council Member Scott announced Architectural Traditions, a local Ward 4 business, was recently recognized in the Fall 2009 issue of *Beautiful Homes Magazine*, and also the September/October 2009 issue of *Mountain Living Magazine*. She congratulated the business for attaining national recognition.

Council Member Scott announced the recent publication of "*Inside the Civano Project*" was just released. She said it was a publication that included insider information about the creation of the largest high-performance mixed-use community of its kind in America.

- c. Council Member Trasoff announced on September 24, 2009, Ward 6 would host the fourth annual "Go Green" event and the theme was "All Things Water." The event would be held at the Ward 6 Council Office and she encouraged the public to attend.

Council Member Trasoff congratulated the Metropolitan Education Commission on receiving funding of fifty thousand dollars from the Arizona Governor's Office for the Regional College Access Center. The Center assists teens with information on how to get into college. The Commission also had the honor of presenting at the National College Access Network Conference in San Francisco. Council Member Trasoff said this was a wonderful opportunity to showcase the Tucson community and congratulated the Metropolitan Education Commission.

Council Member Trasoff congratulated the Tucson Toros for advancing to the Golden Baseball League Championships. She encouraged everyone to attend and support the Tucson Toro's baseball games at Hi Corbett Field.

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

Mayor Walkup announced City Manager's communication number 440, dated September 9, 2009, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Letcher, City Manager, announced the Information Technology Department was giving the City website a new look and thanked and congratulated the employees involved in the effort.

## 5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 441, dated September 9, 2009, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

### b. Liquor License Applications

#### New License(s)

1. El Sabroso Oakwood Grille, Ward 1  
610 N. Grande Ave.  
Applicant: Dionicio Naranjo  
Series 12, City 51-09  
Action must be taken by: September 6, 2009

Staff has indicated the applicant is in compliance with city requirements.

2. Gooch's Grill, Ward 6  
1118-20 E. 6th St.  
Applicant: Mark Edward Gucciardo  
Series 12, City 53-09  
Action must be taken by: September 14, 2009

Staff has indicated the applicant is in compliance with city requirements.

3. Cilantro's Colombian Grill, Ward 4  
8270 S. Houghton Rd.  
Applicant: Ruby Tenorio  
Series 12, City 55-09  
Action must be taken by: September 13, 2009

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion:           Written Argument In Favor Filed

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer(s)

4. Fat Greek 2, Ward 2  
3225 N. Swan Rd., #105  
Applicant: Traci Ann Markou  
Series 7, City 49-09  
Action must be taken by: August 24, 2009

Staff has indicated the applicant is in compliance with city requirements.

5. Gooch's Grill, Ward 6  
1118-20 E. 6th St.  
Applicant: Mark Edward Gucciardo  
Series 7, City 54-09  
Action must be taken by: September 14, 2009

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

Person/Location Transfer(s)

6. Trader Joe's #95, Ward 6  
1101 N. Wilmot Rd.  
Applicant: H. J. Lewkowitz  
Series 7, City 50-09  
Action must be taken by: August 30, 2009

Staff has indicated the applicant is in compliance with city requirements.

7. Gem Center and Conference Hall, Ward 1  
222 S. Freeway Rd.  
Applicant: Piyush Lalbhai Patel  
Series 7, City 52-09  
Action must be taken by: September 7, 2009

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event(s)

1. St. Luke's in the Desert, Inc. dba St. Luke's Home, Ward 2  
3800 E. River Rd.  
Applicant: Larry E. Rush  
City T40-09  
Date of Event: November 1, 2009  
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

2. Tucson Lesbian Gay Alliance dba Tucson Pride Inc., Ward 6  
900 S. Randolph Wy.  
Applicant: Crystal L. Soles  
City T46-09  
Date of Event: October 10, 2009  
(Pride in the desert LGBT festival event)

Staff has indicated the applicant is in compliance with city requirements.

3. St. Demetrios Greek Orthodox Church, Ward 3  
1145 E. Ft. Lowell Rd.  
Applicant: George A. Makris  
City T48-09  
Date of Event: September 24, 2009 - September 27, 2009  
(Fundraising)

Staff has indicated the applicant is in compliance with city requirements.

4. Tucson Culinary Festival, Ward 6  
400 N. Toole Ave., Ste. 100  
Applicant: Maya T. Luria  
City T49-09  
Date of Event: October 1, 2009  
(To showcase Tucson as the margarita capital of the U.S.)

Staff has indicated the applicant is in compliance with city requirements.

5. St. Melany Byzantine Catholic Church, Ward 6  
1212 N. Sahuara Ave.  
Applicant: Clifford Arthur Franzen  
City T51-09  
Date of Event: October 2, 2009 - October 3, 2009  
(Fundraising for church projects)

Staff has indicated the applicant is in compliance with city requirements.

6. Arizona Theatre Company, Ward 6  
330 S. Scott Ave.  
Applicant: Clyde W. Kunz  
City T52-09  
Date of Event: October 3, 2009  
(Fundraising)

Staff has indicated the applicant is in compliance with city requirements.

7. Uptown Optimist Club, Ward 6  
900 S. Randolph Wy.  
Applicant: Estermarie Hillman  
City T55-09  
Date of Event: October 1, 2009 - October 4, 2009  
(Raise money to support Optimist charitable activities)

Staff has indicated the applicant is in compliance with city requirements.

8. Sonoran Glass Art Academy (SGAA), Ward 5  
633 W. 18th St.  
Applicant: Jean Baruch  
City T56-09  
Date of Event: September 19, 2009  
(Fundraiser/benefit)

Staff has indicated the applicant is in compliance with city requirements.

9. Sonoran Glass Art Academy, Ward 5  
633 W. 18th St.  
Applicant: Jean M. Baruch  
City T57-09  
Date of Event: September 12, 2009  
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

10. Our Lady Queen of all Saints Parish, Ward 5  
2915 E. 36th St.  
Applicant: Darlene M. Dooley  
City T62-09  
Date of Event: September 25, 2009 - September 26, 2009  
(Fundraiser for church)

Staff has indicated the applicant is in compliance with city requirements.

11. Sun Sounds Inc., Ward 6  
3400 E. Camino Campestre  
Applicant: Mitzi M. Tharin  
City T63-09  
Date of Event: September 19, 2009  
(General fundraising)

Staff has indicated the applicant is in compliance with city requirements.

12. Davis-Monthan Air Force Base Consolidated Club, Ward 6  
303 E. University Blvd.  
Applicant: Robin E. Herndon  
City T68-09  
Date of Event: September 19, 2009  
(Annual Air Force Ball - official function)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control/Restructure

1. McNesby's East Coast Super Subs, Ward 6  
187 N. Park Ave.  
Applicant: Brandon Michael McDowell  
Series 7, City AC5-09  
Action must be taken by: September 14, 2009

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Scott, duly seconded to forward liquor license applications 5b1 through 5b7, 5c1 through 5c12, and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

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 Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused Council Member Leal

The motion to forward liquor license applications 5b1 through 5b7, 5c1 through 5c12, and 5d1 to the Arizona State Liquor Board with a recommendation for approval was passed by a roll call vote of 6 to 0.

## **6. CALL TO THE AUDIENCE**

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

- a. Ken Scoville spoke in opposition to the removal of the historic tamarisk trees on west Alameda Street. He said the tamarisk trees were landmark trees for the southwest and Tucson.
- b. Grant Winston, United Steelworkers Associate Member Program, Tucson Chapter President, spoke in support of the Memorial urging the United States Congress to support the "*Employee Free Choice Act of 2009*."
- c. Eugene Scott Laos spoke in support of a BMX bicycle park in the area and asked the City to designate a couple of days a week at the City skateboard parks to permit the BMX community a place to ride their bicycles. He asked that the City and Pima County join forces to expedite funding for a BMX park.
- d. Michael Hines said the freestyle BMX bicycle riders were looking for a safe and legal place to ride their bicycles. He spoke in support of designating a couple of days a week at City skateboard parks to allow the BMX community a place to ride their bicycles. He asked the Mayor and Council to authorize the formation of a study committee to help structure funding solutions to identify needs for a new BMX park.
- e. K. Cama Cooper said she was in support of getting the Tucson Police Department the personnel and resources they needed to deal with community problems such as gang problems, graffiti, abuse, violence and harassment, and threats.
- f. Joe Sweeney spoke in opposition to immigration impacts to the economy and community from the growing number of illegal aliens crossing the United States borders.

- g. David Furrey thanked Council Member Uhlich for all her hard work in the community and complimented the Code Enforcement Inspectors from the Neighborhood Resources Department. He said they were courteous and professional City of Tucson employees.
- h. Rocky Serna spoke in support of BMX bicycle parks. He encouraged the Mayor and Council to build bicycle parks or open City skateboard parks a couple of days a week for the BMX community.
- i. Dusty Horton said he was concerned with the lack of places they could legally ride their bicycles and also spoke in support of using the skateboard parks for BMX bicycle riding.
- j. Pat Fisher offered suggestions for locations where BMX bicycle riders could safely ride without disturbing people or property. Mr. Fisher explained the BMX sport offered a healthy activity for youth and young adults.

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

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

**A. ASSURANCE AGREEMENT AND FINAL PLAT: (S07-202) STEFAN ACRES, LOTS 1 TO 4**

- 1. Report from City Manager SEP9-09-448 WARD 2
- 2. Resolution No. 21374 relating to Planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements and approving the final plat in Case No. S07-202, Stefan Acres Lots, 1 through 4; and declaring an emergency.
- 3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

**B. ASSURANCE AGREEMENT AND FINAL PLAT: (S08-067) NELSON MOBILE HOME ESTATES II, LOTS 1 TO 11, AND COMMON AREAS “A” TO “D”**

- 1. Report from City Manager SEP9-09-447 WARD 5
- 2. Resolution No. 21375 relating to Planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements and approving the final plat in Case No. S08-067, Nelson Mobile Home Estates II, Lots 1 through 11, Common Areas “A”, “B”, “C” and “D”; and declaring an emergency.

3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- C. REAL PROPERTY: CONVEYANCE OF RESIDENTIAL LOT TO OLD PUEBLO COMMUNITY FOUNDATION FOR DEVELOPMENT OF AFFORDABLE HOUSING
1. Report from City Manager SEP9-09-446 WARD 1
  2. Ordinance No. 10706 relating to real property; declaring certain City owned real property located at 2441 West Armadillo Drive to be surplus; authorizing the conveyance thereof to the Old Pueblo Community Foundation at no cost for the purpose of developing affordable housing; and declaring an emergency.
- D. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT FOR OFFICER STEVE SMITH
1. Report from City Manager SEP9-09-443 CITY-WIDE
  2. Approval of Officer Smith's request for the second one-year extension of five potential extensions in accordance with Tucson City Code Section 10-15 is recommended.
- E. MAYOR AND COUNCIL: AMENDING THE 2009 MAYOR AND COUNCIL MEETING SCHEDULE
1. Report from City Manager SEP9-09-449 CITY-WIDE
  2. Ordinance No. 10707 relating to administration; amending Section 1 of Ordinance 10617, which approved a schedule of Mayor and Council regular meeting dates for 2009, to reschedule the regular meeting date of Tuesday, October 13, 2009 to Wednesday, October 14, 2009; and declaring an emergency.
- F. TRANSPORTATION: ACQUISITION OF RIGHT-OF-WAY FOR THE REGIONAL TRANSPORTATION AUTHORITY BUS PULLOUT AT CAMPBELL AVENUE AND SIXTH STREET
1. Report from City Manager SEP9-09-450 WARD 6
  2. Resolution No. 21376 relating to transportation; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property needed for Regional Transportation Authority (RTA) Bus Pullout at Campbell Avenue and Sixth Street; and declaring an emergency.

- G. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF PUBLIC SAFETY FOR THE ARIZONA VEHICLE THEFT TASK FORCE
1. Report from City Manager SEP9-09-451 CITY-WIDE
  2. Resolution No. 21377 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Department of Public Safety regarding the Arizona Vehicle Theft Task Force; and declaring an emergency.
- H. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE NORTH DODGE NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager SEP9-09-453 WARD 3
  2. Resolution No. 21379 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson and Pima County for the North Dodge Neighborhood Reinvestment Project; and declaring an emergency.
- I. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE DUNBAR SPRING NEIGHBORHOOD REINVESTMENT GRANT PROJECT
1. Report from City Manager SEP9-09-456 WARD 1
  2. Resolution No. 21380 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Dunbar Spring Neighborhood Reinvestment Grant Project; and declaring an emergency.
- J. TUCSON CODE: AMENDING (CHAPTER 22) TUCSON SUPPLEMENTAL RETIREMENT SYSTEM
1. Report from City Manager SEP9-09-458 CITY-WIDE
  2. Ordinance No. 10712 relating to Tucson Supplemental Retirement System; amending the Tucson Code, Chapter 22, Pensions, Retirement, Group Insurance, Leave Benefits and Other Insurance Benefits, Article III, Tucson Supplemental Retirement System, Division 1, Types of Retirement and Benefits, Sections 22-30, 22-33, 22-40 and Section 22-42, with the addition of Sections 22-40(e)(1) through 22-40(e)(4) and 22-40(f) Retirement Benefit Options, and declaring an emergency.

- K. BOARDS, COMMITTEES, AND COMMISSIONS: EXTENDING THE TERMINATION DATE OF THE CITY/COUNTY WATER AND WASTEWATER STUDY OVERSIGHT COMMITTEE
1. Report from City Manager SEP9-09-457 CITY-WIDE AND OUTSIDE CITY
  2. Resolution No. 21382 relating to Boards and Commissions; extending the termination date of the City/County Water and Wastewater Study Oversight Committee (Committee) to the later date of December 15, 2009 or the date upon which it furnishes its final report to the Mayor and Council; ratifying all acts and deliberations of the Committee occurring between April 15, 2009 and the adoption of this resolution; amending Section 5 of Resolution No. 20927; and declaring an emergency.
- L. REAL PROPERTY: CONVEYANCE OF SURPLUS RIGHT OF WAY LOCATED AT 450 NORTH MAIN AVENUE
1. Report from City Manager SEP9-09-459 WARD 1
  2. Resolution No. 21383 relating to real property; authorizing assurances in support of the potential development of an affordable housing and mixed use project on 450 North Main Avenue requiring the vacation of adjacent surplus right-of-way, and declaring an emergency.
- M. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA FOR THE PAVEMENT PRESERVATION PROJECT UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
1. Report from City Manager SEP9-09-462 CITY-WIDE
  2. Resolution No. 21384 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the State of Arizona for the American Recovery and Reinvestment Act of 2009 (ARRA 2009) Pavement Preservation Project; and declaring an emergency.
- N. APPROVAL OF MINUTES
1. Report from City Manager SEP9-09-463 CITY-WIDE
  2. Approval of minutes for the regular meeting of the Mayor and Council held on December 16, 2008.
- O. TRANSPORTATION: APPROVING THE DOWNTOWN LINKS LAND USE AND URBAN DESIGN PLAN
1. Report from City Manager SEP9-09-472 WARDS 1, 5 AND 6

2. Resolution No. 21385 relating to land use and urban design; approving the Land Use and Urban Design Plan for the Downtown Links Project; and declaring an emergency.
- P. RESOLUTION: SUPPORTING THE UNITED STATES CENSUS BUREAU DURING CENSUS 2010
1. Report from City Manager SEP9-09-465 CITY-WIDE
  2. Resolution No. 21386 relating to the Census 2010; supporting the United States Census Bureau's desire to conduct a complete and accurate count of all City of Tucson's residents as of 2010; and declaring an emergency.
- Q. FINANCIAL PARTICIPATION AND INTERGOVERNMENTAL AGREEMENTS: WITH VARIOUS OUTSIDE AGENCIES
1. Report from City Manager SEP9-09-473 CITY-WIDE
  2. Resolution No. 21387 relating to outside agency activities; authorizing and approving the Financial Participation Agreement between the City of Tucson and the Tucson Regional Economic Opportunities, Inc. (TREO) and the Intergovernmental Agreement between the City of Tucson and Pima County for Animal Care and Enforcement Services for Fiscal Year 2010; and declaring an emergency.
- R. MEMORIAL: URGING THE UNITED STATES CONGRESS TO SUPPORT THE EMPLOYEE FREE CHOICE ACT
1. Report from City Manager SEP9-09-471 CITY-WIDE
  2. A Memorial relating to the Employee Free Choice Act; declaring support for the Employee Free Choice Act and urging the United States Congress to pass the act.
- S. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH DAVIS-MONTHAN AIR FORCE BASE FOR RECLAIMED WATER
1. Report from City Manager SEP9-09-467(2) WARD 4
  2. Resolution No. 21388 relating to Reclaimed Water Agreement; authorizing and approving the execution of a First Amendment to the Reclaimed Water Agreement between the City of Tucson and Davis-Monthan Air Force Base; and declaring an Emergency.
- T. INTERGOVERNMENTAL AGREEMENT: WITH THE PIMA COUNTY RECORDER FOR EARLY VOTING ELECTION SERVICES
1. Report from City Manager SEP9-09-468(2) CITY-WIDE

2. Resolution No. 21389 relating to Elections; approving, and authorizing execution of, an Intergovernmental Agreement between the City of Tucson and Pima County relating to early voting election services provided by the Pima County Recorder for the 2009 City of Tucson, General and Special Elections; and declaring an emergency.

U. REAL PROPERTY: APPROVING A GROUND LEASE AGREEMENT FOR THE MLK APARTMENTS LOCATED AT THE DEPOT PLAZA

1. Report from City Manager SEP9-09-469(2) WARD 6

Staff has requested that this item be continued.

V. BOARDS, COMMITTEES, AND COMMISSIONS: EXPANDING THE MEMBERSHIP OF THE TRANSIT TASK FORCE (CONTINUED FROM THE MEETING OF AUGUST 5, 2009)

1. Report from City Manager SEP9-09-470 CITY-WIDE

Staff has requested that this item be continued.

It was moved by Council Member Trasoff, duly seconded that Consent Agenda Items A through T, with the exception of Items U and V, which were continued, be passed and adopted and the proper action taken.

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 Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused Council Member Leal

Consent Agenda Items A through T, with the exception of Items U and V, which were continued, were declared passed and adopted by a roll call vote of 6 to 0.

8. **PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23) THE LAND USE CODE; RELATING TO PLANNED AREA DEVELOPMENT ZONES**

Mayor Walkup announced City Manager's communication number 460, dated September 9, 2009, was received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed

Amendment to the *Land Use Code* relating to Planned Area Development Zones. He said this public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Mayor Walkup asked if there was anyone in the audience wishing to be heard on this item. There was no one.

It was moved by Council Member Trasoff, duly seconded to close the public hearing.

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 Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused Council Member Leal

The motion to close the public hearing was passed by a roll call vote of 6 to 0.

Mayor Walkup asked the City Clerk to read Ordinance 10711 by number and title only.

Ordinance No. 10711 relating to planning and zoning; amending Tucson City Code, Chapter 23, Land Use Code, Article II, Zones, Division 6, Mixed Use Zones, Section 2.6.3 Planned Area Development (PAD) Zone; and setting an effective date.

It was moved by Council Member Uhlich, duly seconded to pass and adopt Ordinance 10711.

Council Member Trasoff said this was a very important step the Mayor and Council were taking. She commented it was a pleasure working with Council Member Uhlich during this process and thanked her staff for all the work they did.

Council Member Trasoff described the project as an odd downtown project, with its boundaries reaching along the northern key corridors of Ward 3, down through Ward 5, and adjacent to South Tucson. The project provided the flexibility needed to encourage infill, while providing the needed protections for the neighborhoods. It was a wonderful balance and allowed public initiated urban design plans to be implemented through a publicly initiated rezoning process. She said this was a very open process that would serve Tucson well in the future as work continued to revitalize the entire downtown core and other special areas benefiting from this project.

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 Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused Council Member Leal

Ordinance 10711 was declared passed and adopted by a roll call vote of 6 to 0.

**9. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23) THE *LAND USE CODE*; CREATING THE DOWNTOWN AREA INFILL INCENTIVE DISTRICT ZONE**

Mayor Walkup announced City Manager's communication number 455, dated September 9, 2009, was received into and made part of the record. He announced this was the time and place legally advertised for a public hearing on the proposed amendment to the *Land Use Code* creating the Downtown Area Infill Incentive District Zone. He said the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Mayor Walkup asked if there was anyone in the audience wishing to be heard on this item.

Jeff Di Gregorio, Ironhorse Neighborhood Association Chair, said he lived close to the new Fourth Avenue Underpass and commented the entire neighborhood was included in the proposed incentive district. He said the neighborhood was unique because there were a variety of zones included within the neighborhood. It was a little bit of everything that included single family homes, next to industrial property, next to commercial buildings, next to multifamily housing. He said he was unsure how the Downtown Area Infill Incentive District Zone would impact the neighborhood because it was such a unique neighborhood.

Mr. Di Gregorio said the neighborhood council and neighbors researched, discussed, and debated the project the entire summer; and a few weeks ago, the decision was made to support the Downtown Area Infill Incentive District Zone. He said the neighbors did not unanimously support the decision. There were legitimate concerns about the possibility that the rule changes would attract and make it easier for less than desirable infill development to come into the neighborhood. He added, they were equally encouraged that the rule changes may attract the type of infill development they wanted to see come into the neighborhood. The neighborhood battle weighed if the Downtown Area Infill Incentive District Zone would open more opportunities for good things or for bad things to come in.

Mr. Di Gregorio said the neighborhood council weighed on the side that there would be more good opportunities by having these rule changes. There were a lot of opportunities for infill in the neighborhood and the neighbors wanted to see nice things added to the livability of the neighborhood.

Mr. Di Gregorio reiterated, although some of the neighbors had some concerns, the neighborhood association supported the Downtown Area Infill Incentive District Zone and as the Ironhorse Neighborhood Association Chair, he assured everyone he would keep an eye on the process. As time progressed, he would make the Mayor and Council aware of anything good, bad, or indifferent affecting the neighborhood.

Jonathan Crow, Dunbar-Springs Neighborhood, said the opinion of the Dunbar-Springs Neighborhood was different than the opinion of the Ironhorse Neighborhood Association. The Dunbar-Springs Neighborhood was requesting several properties and parcels be removed from the Downtown Area Infill Incentive District Zone. Although the Dunbar-Springs Neighborhood was not opposed to the Downtown Area Infill Incentive District Zone, he explained the location and position in the downtown area welcomed all types of development. He said the neighborhood felt the Downtown Area Infill Incentive District Zone boundaries were inappropriately drawn when first established. He said the boundaries should not be applied to residential and community areas internal to the neighborhood. The boundaries should be appropriately applied to major street corridors in other commercial zone areas where redevelopment would occur. He explained the neighborhood looked at this as a technical oversight.

Mr. Crow said some examples of parcels being requested to be removed from the district included the following: some residential zone properties that were historic single family homes; Estevan Park, which was not anticipated to be redeveloped anytime soon; the Holy Family Church; the Dunbar-Springs Organic Community Garden with the adjoining basketball park and children's playground; and the Dunbar-Springs African American Cultural Center, known as the Dunbar Project. He said they welcomed the Downtown Area Infill Incentive District Zone along the edges where commercial corridors were, but requested some parcels be removed from the Downtown Area Infill Incentive District Zone.

Mr. Crow advised the *Arizona State Statutes* placed specific requirements for infill districts being established by cities. He said the criteria mentioned in the *Arizona State Statutes* regarding the parcels clearly did not comply with the requirements in the statutes, which targeted undeveloped, vacant, crime-ridden, abandoned, and environmental contaminated sites. He explained the sites being requested to be removed from the project, were sites the neighborhood worked hard to redevelop and maintain.

Tony Vacarro spoke in support of the Downtown Area Infill Incentive District Zone and a vibrant downtown and Fourth Avenue in Tucson. He explained the *Land Use Code* was currently prohibitive to making Fourth Avenue as vibrant as it could be. He understood all the requirements to establish a business would not be waived and a

business applicant still needed to go before Planning and Zoning to have their plans reviewed and accepted. He said proper tools were in place to protect neighborhoods.

Mayor Walkup asked if there was anyone else in the audience wishing to be heard on this item. There was no one.

It was moved by Council Member Trasoff, duly seconded to close the public hearing.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused Council Member Leal

The motion to close the public hearing was passed by a roll call vote of 6 to 0.

Mayor Walkup asked the City Clerk to read Ordinance 10710 by number and title only.

Ordinance No. 10710 relating to planning and zoning; amending the Tucson Code, Chapter 23, Land Use Code, Article II, Zones, Division 8, Overlay Zones, by adding a new Section 2.8.12, the Downtown Area Infill Incentive District Zone (IID); adopting the IID map; and setting an effective date.

Vice Mayor Romero applauded City staff for their hard work in preparing the Downtown Area Infill Incentive District Zone. She commented there was a lot of input from public meetings, stakeholder meetings, and Mayor and Council; and this was a step in a good direction.

It was moved by Vice Mayor Romero, duly seconded to pass and adopt Ordinance 10710 with the removal of the following properties from the boundaries of the Downtown Area Infill Incentive District Zone; Dunbar-Springs residentially zoned property along Main Avenue and Speedway Boulevard, Estevan Park, Dunbar Cultural Center, Dunbar-Springs Organic Community Garden on the northwest corner of University Boulevard and Eleventh Avenue, residences located at Thirty West First Street, Twenty-Three West Fourth Street, and Forty-One East Speedway Boulevard, which were all contributing properties to the Feldman's Neighborhood National Register of Historic Districts.

Council Member Uhlich commented this was an important part of Mayor and Council's strategy to inspire downtown infill and add more density along corridors producing a positive contribution to the community. She added the other side of the coin was the Neighborhood Preservation Zone that exemplified the City was moving forward to inspire development and investment in appropriately placed areas. Citizens along the Oracle Road and Stone Avenue Corridors were excited to see their investments further intensified along those corridors and said this project would be an important tool. She said it was also important to bring forth the protections to the interiors of neighborhoods that would be in the design manuals for Feldman's Neighborhood Association and other efforts related to the Neighborhood Preservation Zone.

Council Member Uhlich added she appreciated the nuance from the testimony of Mr. Di Gregorio and Mr. Crow and said it was necessary to pay attention to both sides of the coin to successfully move the community forward. It was important that areas receive the kind of density and infill that would serve the community well in the long term and this project clearly projected that.

Council Member Trasoff said the prior item regarding amendments to the *Land Use Code*, facilitated this project and was significant of the steps the City was taking to address some of the issues with the *Land Use Code*, which at times stood in the way of healthy revitalization and development. The amendments Vice Mayor Romero added at the request of Dunbar-Springs were appropriate. The goal of the City was to preserve neighborhoods, encourage infill of major corridors, and to encourage use of vacant buildings that negatively impacted neighborhoods.

Council Member Trasoff added there were many encouraging things that resulted from this project. Because there was a potential for this area becoming transit and pedestrian oriented, especially with the Modern Streetcar, there was a need for a change on how this area would be redeveloped to produce a healthier and vibrant City core. The reasoning for the odd shape of the development was to try to bring in the areas along the Oracle Road Corridor to Downtown through Sixth Avenue and out to South Tucson. She said she was very pleased the Planning Commission supported this effort and said this was a very important step forward for the community.

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 Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused Council Member Leal

Ordinance 10710 with the removal of the following properties from the boundaries of the Downtown Area Infill Incentive District Zone; Dunbar-Springs

residentially zoned property along Main Avenue and Speedway Boulevard, Estevan Park, Dunbar Cultural Center, Dunbar-Springs Organic Community Garden on the northwest corner of University Boulevard and Eleventh Avenue, residences located at Thirty West First Street, Twenty-Three West Fourth Street, and Forty-One East Speedway Boulevard, was declared passed and adopted by a roll call vote of 6 to 0.

**10. PUBLIC HEARING: GRANT-ALVERNON AREA PLAN AMENDMENT (PA-09-01); FORT LOWELL ROAD/WALNUT AVENUE ALIGNMENT – OFFICE AND HIGH-DENSITY RESIDENTIAL USES**

Mayor Walkup announced City Manager’s communication number 461, dated September 9, 2009, was received into and made part of the record. He announced this was the time and place legally advertised for a public hearing on an amendment to the *Grant-Alvernon Area Plan*. He asked if the applicant was present and if there were any comments to be made.

Michael Grassinger, The Planning Center, on behalf of the property owner Abraham Slilaty/Fort Lowell Park, LLC, commented he was in total agreement with staff’s recommendation and appreciated the Planning Commission’s recommendation for approval.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations. He asked if there was anyone in the audience wishing to be heard on this item. There was no one.

Mayor Walkup asked if there was any discussion.

Council Member Glassman said this was a project the Ward 2 Council Office worked on since he was elected. He thanked Mr. Grassinger and the property owner; and expressed they were very diligent, very pleasant to deal with, and great in cooperating with the Ward 2 Council Office on rainwater harvesting and other issues important to the neighborhood and the Mayor and Council.

It was moved by Vice Mayor Romero, duly seconded to close the public hearing.

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 Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused Council Member Leal

The motion to close the public hearing was passed by a roll call vote of 6 to 0.

It was moved by Council Member Glassman, duly seconded to pass and adopt Resolution 21381.

Mayor Walkup asked the City Clerk to read Resolution 21381 by number and title only.

Resolution No. 21381 relating to planning and zoning; amending the *Grant-Alvernon Area Plan*; and declaring an emergency.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused Council Member Leal

Resolution 21381 was declared passed and adopted by a roll call vote of 6 to 0.

**11. REAL PROPERTY: THIRD AMENDMENT TO THE LEASE AGREEMENT WITH DEPOT PARTNERS, LLC FOR PROPERTY LOCATED WITHIN THE HISTORIC TRAIN DEPOT COMPLEX**

Mayor Walkup announced City Manager's communication number 444, dated September 9, 2009, was received into and made part of the record. He asked the City Clerk to Read Ordinance 10708 by number and title only.

Ordinance No. 10708 relating to real property; authorizing and approving the Third Amendment to the Lease Agreement between the City of Tucson and Depot Partners, LLC, for a certain portion of real property located in the Historic Depot at 400 North Toole Avenue, and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded to pass and adopt Ordinance 10708.

Mayor Walkup asked if there was any discussion.

Council Member Trasoff said this was an unusual step to take in unusual times when market rates had dramatically changed. She commented this was an appropriate adjustment that needed to be made and this was not the type of situation to be taken lightly. Council Member Trasoff explained the owners of Depot Partners, LLC, Shane and Richard Oseran, invested hundreds of thousands of dollars in a City-owned facility to

help revitalize downtown and make things happen. They opened up areas and encouraged other businesses in the community and not just for their own business.

Council Member Trasoff stated the event, “Meet Me at Maynards,” was one example of how businesses helped revitalize downtown because they were part of the community. She explained Maynard’s Restaurant and Market worked to support local farmers, local businesses, and local providers. It was that sustainability she thought was very important for the community’s future.

Council Member Uhlich commented the entire community and region was celebrating this success of Maynards, the adjoining market, the Hotel Congress, and the entire initiative the Oserans brought to the downtown community. She said everyone was grateful for their efforts.

Council Member Uhlich said the partnership was very fruitful and the public watched the process closely, as it should have. She explained when taxpayer subsidies or accommodations of any type were brought to the table; it was understandable to closely monitor those subsidies to make sure there was a fair return to the public. She said she reviewed this project carefully and asked a lot of questions. For example, if rent adjustments were made, what kind of additional investments could be made to foster a greater success. Because investments being made benefited the City, and although the City retained ownership of the property, the amount of tax revenue through the success of the business was really notable.

Council Member Uhlich said she was incredibly grateful to the Oserans. The downtown community benefited from their success in this project and she assured the public there would be a fair return on the steps taken that day.

Vice Mayor Romero concurred with the comments made by her colleagues and said she shared the same sentiments. She said the economy changed the way commercial landlords viewed leasing properties. She researched, spoke to other landlords, and asked what was realistic in terms of leasing properties in downtown. Vice Mayor Romero stated the numbers for this project were realistic. She explained it was important the City work with tenants that brought success to the community. The Historic Train Depot was vacant and not returning to downtown because it was not a vibrant business.

Vice Mayor Romero explained the Oserans invested a lot of money into this leased City owned property, and when they would leave, the assets would stay. Based on the Oserans business history of bringing alive the Hotel Congress and currently with Maynard’s success, she was glad to work with a successful downtown business that would generate sales tax, traffic and the type of downtown business the City needed. She said she was more than happy to support the change in their lease agreement.

Mayor Walkup said what he looked for was to make sure the City was following good standard business practices, to make sure the decisions made were good business decisions for both the tenant and the City in a landlord capacity. He said the City wanted

businesses to succeed, be fair and just and this was fair, just, and consistent with good private sector practices. Mayor Walkup explained the City wanted to demonstrate that it understood good business decisions, and added this was a good business decision. The City wanted to reward success and this tenant proved success. He commented he was pleased with the action.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused Council Member Leal

Ordinance 10708 was declared passed and adopted by a roll call vote of 6 to 0.

**12. ELECTIONS: CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE CITY PRIMARY ELECTION HELD SEPTEMBER 1, 2009 (CONTINUED FROM MEETING OF SEPTEMBER 7, 2009)**

Mayor Walkup announced City Manager's communication number 452, dated September 9, 2009, was received into and made part of the record. He asked the City Clerk to read Resolution 21391 by number and title only.

Resolution No. 21391 relating to elections: canvassing the returns and declaring the results of the Primary Election held in the City of Tucson, Arizona on September 1, 2009.

It was moved by Council Member Glassman, duly seconded to pass and adopt Resolution No. 21391.

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 Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused Council Member Leal

Resolution 21391 was declared passed and adopted by a roll call vote of 6 to 0.

**13. ZONING: (C9-08-03) SELLAROLE LLC – SELLAROLE ROAD, SR TO R-1, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager’s communication number 445, dated September 9, 2009, was received into and made part of the record. He asked the City Clerk to read Ordinance 10709 by number and title only.

Ordinance No. 10709 relating to zoning: amending zoning district boundaries in the area located on the north side of Sellarole Road, approximately 2,043 feet west of Harrison Road in Case C9-08-03, Sellarole LLC, SR to R-1; and setting an effective date.

It was moved by Council Member Scott, duly seconded to pass and adopt Ordinance 10709.

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 Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused Council Member Leal

Ordinance 10709 was declared passed and adopted by a roll call vote of 6 to 0.

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

Mayor Walkup announced City Manager’s communication number 442, dated September 9, 2009, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Trasoff, duly seconded to approve the appointment of Mary Rogers to the Armory Park Historic Zone Advisory Board in the Home/Property owner Category, appoint Mark Taylor and reappoint Jim Horvath to the Citizen’s Water Advisory Committee, appoint Michael Finkelstein and Jim Hannley and reappoint Roger Sliker to the Sign Code Advisory and Appeals Board.

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 Glassman, Uhlich, Scott, and Trasoff;  
Vice Mayor Romero and Mayor Walkup

Nay: None

Absent/Excused Council Member Leal

The motion to approve the appointments of Mary Rogers to the Armory Park Historic Zone Advisory Board in the Home/Property owner Category, Mark Taylor and Jim Horvath to the Citizen's Water Advisory Committee, and Michael Finkelstein, Jim Hannley Roger Sliker to the Sign Code Advisory and Appeals Board passed by a roll call vote of 6 to 0.

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

Vice Mayor Romero announced her personal appointment of Yvonne Merrill to the Stormwater Advisory Committee.

Mayor Walkup complimented the Boy Scout Troop in the audience who endured the complete Mayor and Council meeting and hoped their presence earned them a badge.

**15. ADJOURNMENT:** 7:27 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, September 15, 2009, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

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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 9th day of September 2009, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:ccs:sac