



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on February 14, 2006

Date of Meeting: January 18, 2006

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:40 p.m. on Wednesday, January 18, 2006, 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	Council Member Ward 4
Steve Leal	Vice-Mayor, Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Dave White, Pantano Christian Church, after which the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup and Council Member West presented awards to Walter Johnson, Jason Burns, and Officer Tina Salgado, Tucson Police Department, for being “Extraordinary Citizens” in helping to rescue a woman from an apartment fire on Thanksgiving night.

(Note: Item 2 was discussed again after Item 7)

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 23, dated January 18, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member Scott announced the January 13, 2006 death of Jim Fearon, former Ward 4 Council Aide and twenty-year City employee. Contributions or comments could be made by contacting TNI Partners.
- b. Council Member West announced there were two spaces remaining on the January 21, 2006 Landfill Tour. Reservations could be made by calling the Ward 2 office. She also announced a Town Hall on January 23, 2006 at Eastside City Hall. The topic would be the Regional Transportation Plan.
- c. Mayor Walkup congratulated all who were involved in the Family Arts Festival, which was held downtown. He thanked those who made it possible, and said everyone had a magnificent time.

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

Mayor Walkup announced City Manager’s communication number 24, dated January 18, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Hein, City Manager, reported:

- a. An open forum was scheduled for approximately six hundred sixty Tucson retailers licensed to sell pseudoephedrine products. The forum would be held on January 25, 2006 in the Tucson Convention Center’s Apache/Greenlee Meeting Room. Representatives from the Tucson Police Department, the City Manager’s Office and the City Attorney’s Office would facilitate and conduct the meeting.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 22, dated January 18, 2006, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New License

NOTE: There are no applications for licenses scheduled for this meeting.

c. Special Event

1. Southern Arizona Association for the Visually Impaired, Ward 5
2805 E. Ajo Way
Applicant: Michael O. Gordon
City T121-05
Date of Event: January 21, 2006
Fundraising/Benefit

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

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5c1 to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA – ITEMS A THROUGH C

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

A. FINAL PLAT: (S05-152) THE DORM AT THE ACADEMY LOFTS, A CONDOMINIUM, UNITS 1 TO 11 AND COMMON AREA "A"

1. Report from City Manager JAN18-06-21 WARD 6
2. The City Manager recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

B. WATER: EXCHANGE OF WATER RIGHTS ASSOCIATED WITH SEVERAL PROPERTIES IN AVRA VALLEY FOR GROUNDWATER PUMPING CREDITS

1. Report from City Manager JAN18-06-26 CITY-WIDE & OUTSIDE CITY

2. Resolution No. 20266 relating to water; approving and authorizing the conversion from Type 1 groundwater rights at Tucson Water's Chu, Lupori, Nichols, Reeves and Tucker Farms in Avra Valley to Service Area rights; and declaring an emergency.

C. TRANSPORTATION: APPROVING THE LOCALLY PREFERRED ALTERNATIVE FOR THE MAJOR TRANSIT INVESTMENT STUDY

1. Report from City Manager JAN18-06-28 WARDS 1 AND 6
2. Resolution No. 20267 relating to transportation; approving the Modern StreetCar/Downtown/University Boulevard Alternative as the Locally Preferred Alternative for the Major Transit Investment Study to connect major activity centers in the central core; and declaring an emergency.

Item C was considered separately, after Item 7, Call to the Audience, at the request of Council Members Trasoff and Scott.

It was moved by Council Member Uhlich, duly seconded, that Consent Agenda Items A and B be passed and adopted and the proper action taken.

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Items A and B were declared passed and adopted by a roll call vote of 7 to 0.

7. 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 items scheduled for a public hearing. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for thirty minutes. He asked if there was anyone in the audience who wished to address the Council.

- a. Michael Toney spoke in reference to material he presented relating to the laser computer.

- b. Robert Reus spoke in favor of Mayor and Council meetings being held on Wednesdays, and promoted his public access television show.
- c. Nick Gentry addressed the Mayor and Council on the skate park that was to be built in the Santa Rita neighborhood. Planners were proposing a modular design of plastic and/or steel components. Mr. Gentry mentioned the drawbacks of such a design, in contrast to concrete skate parks, which were more durable and could be turned into urban artwork. He said a permanent, concrete skate park would be favored over a temporary modular skate park in the Santa Rita neighborhood.

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

- d. Christopher Stagg, Project Manager for the Campfire Skate Park Project that was to be located in Santa Rita Park, said the park was to be funded by the Governor's Juvenile Justice Intervention Prevention Grant and by the Neighborhood Reinvestment Fund for amenities such as aesthetic fencing, sidewalks, drinking fountains, and lighting. The substitute plans for a concrete slab with plastic modular pieces were inadequate and invalidated the formal process skaters followed to create a design with architects and himself. The construction of this design was bid on, but rising construction costs made the design too expensive. Mr. Stagg said the original, pre-approved design should be adhered to, utilizing the funds already secured, and they should be allowed to raise the remaining funds needed for completion of the project.
- e. Bonnie Demorotski said the Mayor and Council promised the community two skate parks eight years ago. She had been involved in the fundraising for the previous six years. Ms. Demorotski said getting the skaters out of downtown would make the area more attractive to Rio Nuevo business owners. She asked that the skating community be allowed to raise the balance of the money needed to construct the original design that all parties had agreed on.
- f. Steve Farley addressed the Mayor and Council in reference to Consent Agenda Item 6C. Highlighting the streetcar's economical and logistical benefits, Mr. Farley said it would compliment and help revolutionize the entire transit system. He asked the Mayor and Council to endorse the streetcar as the locally preferred alternative for the Major Transit Investment Study.
- g. Tom Warne, a developer of the University of Arizona's Main Gate area and the downtown area, promoted commercial viability and creation of a critical mass as keys to a successful downtown. He detailed benefits of the streetcar and spoke in favor of it as the locally preferred alternative.
- h. David Duffy, Director of University of Arizona Campus and Facilities Planning, endorsed the streetcar as the locally preferred alternative.

- i. Roger Karber, Vice Chairman of the Tucson Downtown Alliance and real estate developer, spoke in favor of the streetcar as the locally preferred alternative in light of the expected growth downtown.
- j. Daniel Matlick, President of the North Fourth Avenue Merchants Association, identified advantages of the streetcar, and encouraged Mayor and Council to support the project.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

(This item was taken out of order)

Presentations:

- a. Mayor Walkup asked to return to Item 2 to join Council Member West in presenting an award to Jeff Nuñez, as an “Extraordinary Citizen” for helping to rescue a woman from an apartment fire on Thanksgiving night.

6. CONSENT AGENDA – ITEMS A THROUGH C

(Note: Consent Agenda Item C was taken out of order.)

C. TRANSPORTATION: APPROVING THE LOCALLY PREFERRED ALTERNATIVE FOR THE MAJOR TRANSIT INVESTMENT STUDY

1. Report from City Manager JAN18-06-28 WARDS 1 AND 6
2. Resolution No. 20267 relating to transportation; approving the Modern StreetCar/Downtown/University Boulevard Alternative as the Locally Preferred Alternative for the Major Transit Investment Study to connect major activity centers in the central core; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, that Consent Agenda Item C be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion.

Council Member Scott asked those involved with the project to do a good job of public outreach and education. It would be a portion of the upcoming election’s Regional Transportation Authority plan, and there were some who needed more information.

Council Member West also encouraged public outreach, as eastside residents did not see the need for a streetcar. She looked forward to town halls, including a joint town hall with Council Member Trasoff, to better inform the public on all aspects of the Regional Transportation Authority (RTA) plan, particularly the streetcar.

Vice Mayor Leal noted the audience's concern with commercial and residential investment downtown, and said an established transit alternative was needed before gasoline became unaffordable. It would provide a system to evolve from, to provide the community an alternative to conventional transportation, and it allowed for a sustainable, livable community well into the future, almost irrespective of what happened to energy costs.

Council Member Uhlich spoke about conversations she had with business owners who were excited about the potential for this project to inspire more business for them. She thought that was the kind of investment the Council was looking to make, to see local businesses thrive. She also said this pulled in approximately forty five million dollars in federal funding that would be matching funds for the Regional Transportation Authority, so it would be one of the key pieces in the RTA plan that would immediately and effectively leverage federal resources. Council Member Uhlich said the Transportation Department and others assured her there would be appropriate alignment of the Fourth Avenue Underpass with the Barraza-Aviation continuation downtown, and said it would be critical to the success of this and the other transportation pieces. She offered strong support of the streetcar as the locally preferred alternative.

Mayor Walkup thanked everyone for attending, and said there was a lot of citizen input. He said the streetcar would connect downtown with medical centers, and provided great opportunity for investment in the downtown area for the expansion of University functions in the downtown area. He thought it opened up a great opportunity to think bigger.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

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

8. PUBLIC HEARING: ZONING (C9-00-23) RITA 244 LLC – RITA ROAD, RX-1, I-1 AND I-2 TO C-2 AND I-1, REQUEST FOR TIME EXTENSION, ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF DECEMBER 5, 2005)

Kathleen S. Detrick, City Clerks announced that there was a request to continue the public hearing, however it had been noticed as a public hearing so it should be opened to allow anyone in the audience wishing to address the Council at this time to do so. She also announced that the applicant was present.

Mayor Walkup announced City Manager's Communication number 27, dated January 18, 2006, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a proposed change to rezoning conditions and preliminary development plan for property located near Rita Road and Interstate 10.

Mayor Walkup asked if the applicant was present, and if they had any brief comments.

Linda Morales, of the Planning Center, said they had been working with staff to refine conditions to ensure they met current standards. They were initially requesting the item be continued to February 7, 2006; however they were now requesting a further continuance to February 28, 2006.

Mayor Walkup announced that speakers would be limited to five-minute presentations. He asked if there was anyone who wished to speak on the matter at that time. There was no one.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0 to continue the public hearing to February 28, 2006.

Kathleen S. Detrick, City Clerk, clarified the public hearing would be continued to the meeting of February 28, 2006, at or after 5:30 p.m. in the Mayor and Council Chambers at City Hall, 255 West Alameda.

9. PUBLIC HEARING: *GREATER SOUTH PARK PLAN* AMENDMENT, PA-05-03; I-10/PARK AVENUE – RESIDENTIAL USE

Mayor Walkup announced City Manager's Communication number 29, dated January 18, 2006, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on an amendment to allow residential use of the property located on the northwest corner of Park Avenue and Interstate 10.

Mayor Walkup asked if the representative was present and had any comments before opening the public hearing.

Jim Portner, Projects International, said they had attended many meetings with neighborhoods and community leaders beginning before the present property owners purchased what was loosely known as the "Sinclair" property. The property, which was the subject of the public hearing, consisted of forty-acres of the Sinclair holdings. Prior to purchasing the property, they envisioned it being developed with three major components: a one-hundred ten acre local and regional commercial destination, the University of Arizona's sixty-five acre research facility, and a residential component with a central, open space corridor that would allow the residential uses to link to the other two major uses.

Mr. Portner said he was pleased by the Planning Commission's recommendation because it required them to combine their request with the Planned Area Development they intended to process for the rest of the project. The concept plan ended at Park Avenue. They wanted to have the Land Use and PAD documents amended to include the forty acres and allow it to go through the process comprehensively, so staff, neighbors, the Zoning Examiner and Council would see it at the same time.

Mr. Portner also said the Planning Commission's recommendation did not give "blanket" residential approval on the property. They recognized the property had challenges and constraints, which would need to be studied in an objective and empirical fashion and understood clearly. With this understanding, they would design a residential project that ensured the protection of long-term quality of life for future residents.

Mayor Walkup announced the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations. He called on the first speaker.

Douglas Cohen, said he represented a recycling business located north of the proposed family housing. He said they were also interested in improving the area, but thought it should be accomplished with compatible businesses and industry. There was a railroad that ran nearby, and they thought it was not a good location for family housing. If family housing was approved for that location, they hoped the Homeowners Association would include in deeds of trust a disclosure of the existing businesses and railroad. Mr. Cohen said a similar, unsuccessful situation occurred in Phoenix, which resulted in the closure of a business. He thought the appropriate use of the property would be by business and industry.

Michael Toney voiced a concern regarding groundcover, asphalt, concrete, and the effects of runoff, with the tendency of railroads to follow waterways. He said the residential development was important, but the cumulative effects of runoff needed to be considered in any attempts to stabilize the depletion of the aquifer.

Vice Mayor Leal said a great deal of work went into the analysis of the KB Home project, mixing commercial and residential uses. The City had thought about infill and sustainable, livable communities, but his concern was with part of the process. When the issue went before the Planning Commission, there were vacancies on the Commission, and the project may not have been given due consideration, as evidenced by staff's recommendation conflicting with the Commission's vote.

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

It was moved by Vice Mayor Leal, duly seconded, and carried by a voice vote of 7 to 0, to remand Item 9 back to the newly constituted Planning Commission, to work with staff and stakeholders and take a thorough and unified look at the project and return to Council once a recommendation could be made.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 25, dated January 18, 2006, was received into and made a part of the record.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0 to reappoint Robert J. Smolinski (Civil Engineer), John S. Wise (Civil Engineer), E. Linwood Smith (Environmental Consultant), Linda Morales (Land Use Planner), Dr. John Parker (Water Resources Scientist) and John Wallace (Surface Water Hydrologist/Water Quality Specialist) to the Stormwater Advisory Committee.

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

Council Member Trasoff announced the appointment of Lisa Lovalo to the Tucson/Pima County Women's Commission.

Council Member Uhlich announced reappointments of Michael Pesce to the Commission on Disability Issues, Timothy Dunne to the Human Relations Commission, Britton Dornquast and Katharine Kent to the Small Business Commission, Betty Jean Voelkel to the Stormwater Advisory Committee, and Colleen Crowninshield to the Metropolitan Energy Commission.

11. ADJOURNMENT 6:45 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, January 24, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 18th day of January 2006, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:sl/dg