



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 28, 2004 _____

Date of Meeting: March 1, 2004

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, Tucson, Arizona at 5:06 p.m., on Monday, March 1, 2004, 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 West	Council Member Ward 2
Kathleen Dunbar	Council Member Ward 3
Shirley Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor Ward 6 (arrived 5:13 p.m.)
Robert E. Walkup	Mayor
Kathleen S. Detrick	City Clerk

Absent/Excused:

None

Staff Members Present:

James Keene	City Manager
Mike Letcher	Deputy City Manager
Ernie Duarte	Development Services Director
Bob Martin	Parks and Recreation Director
John Updike	Rio Nuevo Project Manager
Michael House	City Attorney
Pablo Garcia	City Clerk's Office
Stephanie Juarez	Recording Secretary
Tim Mattix	Recording Secretary

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 led by the American Legion Auxilliary's Poppy Princess, Alexis Luceford.

Mayor Walkup asked that Karen Borth with the American Legion provide information concerning the Poppy Princess Program.

Ms. Borth read a synopsis of the program. The little flower symbolizes the ultimate sacrifice made by the military. It is the flower of remembrance, honoring our revered dead and doing whatever can be done for the living victims of those wars. She said they wear it proudly with deep gratitude for our very precious freedom. It is a privilege and an honor to make a monetary contribution that helps better the life of a veteran who defended our nation. Ours is the only veteran named "poppy," painstakingly assembled by patients in facilities for veterans. They make a thousand flowers from a kit for which they receive the princely sum of \$50.00 or five cents a flower. Our mayor designates American Legion Auxiliary Poppy Days and we have arranged for merchants to set up in front of stores, banks, and businesses, offering the poppy for a donation, usually the first week in mid-May, because everybody knows that it was too hot to be outside all day on Memorial Day.

Ms. Borth said that in Tucson, the money that their organization makes stays here. All the contributions are used locally in support of our veterans. In facilities there are many veterans and their families in programs offered by the veterans administration, including comfort items; i.e. treats, toiletries, books, magazines, movies, whatever the American Legion can get for them that the veteran affairs does not provide; it is their privilege to do so. She asked for the city's help for the needy veterans and the families in need of monetary support but who have limited capacity, scholarships for the children, to fund the artists' materials the veterans administration created with its program, which was a very wonderful thing. It was healing for them through the expression of the various mediums, and the veteran's administration in Tucson has little or no supplies for those artists to work with. Each year the American legion did what it could for little paintbrushes, canvasses, supplies to make the frames, glass for the glass workers, whatever the legion could help them with. It's a wonderful program. Their auxiliary could not make good the losses suffered by the families of America's war dead but this little poppy symbolizes them honoring their memory while the American legion did what it could to honor the memory of those left behind.

A. Proclamation - Red Cross Month

Mayor Walkup, with Chief Newburn, presented a proclamation to Richard White, representing the Red Cross.

Richard White thanked the mayor for the proclamation and said they were very proud that March was Red Cross Month. The members of the mayor and council have been wonderful supporters of the Red Cross and the Save a Life Saturday project, when hundreds of city residents were trained in cardiopulmonary resuscitation (CPR) at a very low fee in October. Their Real Heroes Breakfast was coming up on April 23 and many members of the city of Tucson who had saved lives had been the real heroes in a

program that would benefit everyone in the city of Tucson. They would be working with businesses, neighborhood associations, and schools to make sure that everyone had the proper tools and training to be prepared for any kind of an emergency, from a small fire up to weapons of mass destruction, even acts of bio-terrorism. From the Red Cross board staff and the tens, hundreds and thousands of people who benefited from the American Red Cross, he thanked the mayor and council for the proclamation.

B. Presentation to the Sun Tran “Distinguished Employee Team of 2003”

Mayor Walkup read and presented certificates of recognition to Deserie Duarte (payroll clerk), Frank Preciado (coach operator), and Tye Musikul (mechanic) as the Sun Tran Distinguished Employee Team of 2003.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced that city manager's communication number 95, dated March 1, 2004, would be received into and made a part of the record. He said this was the time scheduled to allow any member of the mayor and council to report on current events.

A. Landfill and Recycling Tour Sponsored by Ward 3

Council Member Dunbar reported that on the 13th of March, ward three was going to sponsor a landfill and recycling tour. They actually had a city bus that they hoped to fill full of residents of ward three or anyone else who wanted to attend. If individuals wanted information all they had to do was go to the web page for ward three and click on “upcoming events.” There was also a calendar that told people exactly how to RSVP.

B. Old Spanish Trail Bike Trail Dedication

Council Member West invited people to attend the dedication of the tiles that were created by 185 Gridley, Dunham, and Gale School students on the Old Spanish Trail bike path at Harrison and Old Spanish Trail. This project was a public art project, funded by the Barkley Group, who was managing the project for the Target Corporation. The dedication would be held Wednesday, March 3 at 3:00 p.m. The Target Store would officially open on March 7.

C. Birth of Nephew for Vice Mayor Fred Ronstadt

Vice Mayor Ronstadt announced the birth of his nephew, James Patrick Cass, born on February 19 at Northwest Hospital. He was a nice healthy boy and the family was very happy and proud.

D. Rodeo Week Events

Mayor Walkup thanked everyone who had anything to do with the rodeo parade and the rodeo. This was the fifth rodeo parade that he had been in and he had completed every one of them, with some delays along the way. He did not know how many people were there but it looked like that had been the most he had ever seen. The rodeo itself was one of the best that he had ever seen and was a great joy, even though there had

been a little bit of rain. It was truly a world class event. For everybody who had anything to do with the rodeo parade and the rodeo itself, he offered his congratulations.

E. Chrysler Classic Golf Tournament

Mayor Walkup said the Chrysler Classic Golf Tournament was played in Tucson. It was well put together and a lot of fun to attend and watch. He said that last week was a big week for Tucson and certainly by Sunday, everybody was worn out and ready for Monday and the city council meeting.

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

Mayor Walkup announced that city manager's communication number 96, dated March 1, 2004 was received into and made a part of the record. This time had been scheduled to allow the city manager to report on current events.

A. New Internet Address for the City of Tucson

James Keene, city manager, announced that the city of Tucson had a new internet address simplified: "tucson.az.gov", so the old address "cityoftucson.org" and the easy to remember "ci.tucson.az.us" which staff had jettisoned would continue to operate for some of those retros who still want to dial in that way.

In addition, all city employees would get new e-mail addresses, the old ones would continue to work, but everyone's e-mail address would go to "first name.lastname@tucson.az.gov". The city of Tucson would have a much more intuitive e-mail address. Again, those people who were slower to change could keep the old e-mail addresses if they wanted, all would work.

B. Award for Channel 12

Mr. Keene announced that Channel 12, the city channel, won a Beacon Award, a national contest where over 600 government access professionals compete. Channel 12 was recognized for best photography for a program, "Sonoran Style – Footprints of the Past," and they were also a finalist in the educational category for the special, "Too Good To Throw Away."

C. Spring Training Opening Day

Mr. Keene reported that the city of Tucson and the Parks and Recreation Department welcome the return of Major League Baseball to Hi Corbett Field. During March, opening game ceremonies were scheduled for March 5, when the Colorado Rockies would host the Chicago White Sox. There would be half price tickets in special opening ceremonies honoring women in sports and that would highlight the debut on March 5. All upper grandstand and pavilion seats would be half price, the pre game ceremonies would start at 12:40, and the game at 1:05. Hi Corbett Field was one of the longest continuously used sites for spring training in the United States. Sun Tran would offer free shuttles to all Colorado Rockies spring training home games at Hi Corbett Field so folks could park at El Con mall and board the bus for up to two hours in advance for free transit to the game.

D. Development Services Department

Mr. Keene knew that the mayor and council had concerns about the development services department for continuous improvement and wanted to let the mayor and council know that Lennar Corporation and its subsidiary, U.S. Homes, Inc. completed the first all electronic submittal of house plans to the city of Tucson development services department. Jim Peterson, vice-president of purchasing for U.S. Homes, said "This approach would save tens of thousands of dollars in time and printing costs. They look forward to its adoption in every city where they build." The CEO and founder of Integrated Digital Technology here in Tucson said, "This first transmission will result in a new way of approving construction plans across the country in the next ten years thanks to the foresight of all participants. Our development services department is being reported as the first large city in the United States to accept electronic submittals of house plans in total." He offered congratulations to Ernie Duarte and Todd Sander and all the folks who worked on that.

E. Tucson Water Conservation Wagon

Mr. Keene, following up on the mayor's comments about the rodeo parade, said that Tucson water participated in the rodeo parade. Water staff volunteered their time to design, build, and ride in a conservation team wagon featuring Pete the beak, which was their duck mascot, and the Tucson water chuck wagon was a big hit with the audience and was given the "most comical" entry award by the rodeo parade committee. There might have been some individual awards; this was the department award. The entry featured water department staff in period costume sitting around a campfire with chef Pete the beak wearing a red long john. He encouraged kids along the route to tell their parents to save water by bathing them only once a week, to the kids' delight, he was sure. There was a display of a low flow outhouse complete with a user and a couple of outriders on homemade ponies. Obviously the creativity and enthusiasm displayed by the water staff was a signal to those individuals who volunteered their time over many, many weeks to put the float together. It was the signal for a lot of water department staff to encourage conservation and involvement in the community. He offered congratulations.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced that the city manager's communication number 97, dated March 1, 2004, would be received into and made a part of the record. He asked the city clerk to read the liquor license agenda.

Kathleen S. Detrick, city clerk, announced that there was one request for a new license, 5(b)(1), which had a staff recommendation for approval. Under item 5(c), special events, there were seven requests. Of those, item 5(c)(2) had a protest and should be considered separately, and item 5(c)(5) had conditions attached to it for which the director of development services would summarize. So the appropriate motion would be to forward recommendations for approval on item 5(b)(1) and items 5(c)(1), (3), (4), (6), and (7).

(b) New License(s)

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| (1) | COUNTRY FOLKS RESTAURANT
1015 E. Benson Hwy.
Applicant: Mario Hinojosa
City #007-04, located in Ward 5
Series 12
Action must be taken by: March 19, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
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(c) Special Event(s)

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| (1) | ARIZONA HISTORICAL SOCIETY
SAD-DOCENT COUNCIL
949 E. 2 nd Street
Applicant: Armand M. Ronstadt
City #T007-04, located in Ward 6
Date of Event: March 16, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| *(2) | SALPOINTE CATHOLIC HIGH SCHOOL
1545 E. Copper Street
Applicant: Margaret L. Gessner
City #T009-04, located in Ward 3
Date of Event: April 17, 2004
(Distinguished Alumni Hall of Fame Induction Banquet)
Public opinion: Protest filed | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (3) | SONORAN INSTITUTE
140 N. Main Avenue
Applicant: Donald L. Chatfield
City #T012-04, located in Ward 1
Date of Event: March 12, 2004
(Awards Dinner-Building from the Best of Tucson)
Public opinion: Support filed | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (4) | TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City #T014-04, located in Ward 1
Date of Event: March 13, 2004
Public opinion: Support filed | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| ** (5) | TUCSON SYMPHONY SOCIETY
179 E. Toole Avenue
Applicant: Susan M. DeBenedette
City #T020-04, located in Ward 6
Date of Event: March 12, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: DENIED |

* See page 7

** See page 8

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| <p>(6) COMITE DE FESTIVIDADES
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero
City #T024-04, located in Ward 1
Date of Event: March 14, 2004</p> | <p><u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks & Rec.: In Compliance</p> |
| <p>(7) TUCSON PARKS FOUNDATION
600 S. Alvernon Way
Randolph Golf Course
Applicant: Tommy L. Roof
City #T028-04, located in Ward 6
Date of Event: March 7, 2004
March 8, 2004
March 9, 2004
March 10, 2004
March 11, 2004
March 12, 2004
March 13, 2004
March 14, 2004</p> | <p><u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks & Rec.: In Compliance</p> |

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Leal, seconded by Council Member Ibarra, and carried by a voice vote of 7 to 0, to forward recommendations for approval for items 5(b)(1); 5(c)(1); 5(c)(3); 5(c)(4); 5(c)(6); and 5(c)(7) to the state liquor board.

5. LIQUOR LICENSE APPLICATIONS – (c)(2)

(c) Special Events

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| <p>(2) SALPOINTE CATHOLIC HIGH SCHOOL
1545 E. Copper Street
Applicant: Margaret L. Gessner
City #T009-004, located in Ward 3
Date of Event: April 17, 2004
(Distinguished Alumni Hall of Fame Induction Banquet)</p> | <p><u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance</p> |
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Kathleen S. Detrick, city clerk, said the first license to be considered separately was a special event request by Salpointe Catholic High School. The applicant was present and the protestor had not checked in with her. This license is located in ward three.

Council Member Dunbar asked if any protestors were present. No one came forward. She had asked that this license be considered separately because there might be some questions from people about why the high school was asking for a liquor permit. Actually, this permit was for a distinguished alumni hall of fame dinner at the school and would be honoring people who graduated between 1953 to 1963. They're expecting no more than 130 guests, but the permit was only valid if wine could be served with dinner.

It was moved by Council Member Dunbar, seconded by Council Member West, and carried by a voice vote of 7 to 0, that special event liquor license application 5(c)(2) for the Salpointe alumni hall of fame be forwarded to the state liquor department of liquor licenses and control with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS (c)(5)

(c) Special Event(s)

(5)	TUCSON SYMPHONY SOCIETY 179 E. Toole Avenue Applicant: Susan M. DeBenedette City #T020-04, located in Ward 6 Date of Event: March 12, 2004	<u>Staff Recommendation</u> Police: In Compliance DSD: DENIED
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Kathleen S. Detrick, city clerk, reported that this was a special event request by the Tucson symphony society. The applicant had not checked in with her so she had asked that Mr. Duarte summarize the special conditions associated with this particular request. This license is located in ward six.

Ernie Duarte, development services director, said due to some mix-ups in the addresses when his staff received the liquor license application, they were a little late in responding. Consequently, since Friday, inspection staff had been sent out on two occasions to identify some issues development services staff believed needed to be addressed before approval could be recommended on this license. Those were life safety issues that staff believed could be addressed through a licensed electrician, some work around the electric service, some open junction boxes that needed to be covered up and splices that needed to be properly corrected before development services could authorize approval. In addition, some of the exiting requirements were not to code. It was his understanding in communication with both the applicant and the fire department that they were experienced in coordinating a fire watch and one of the conditions would be that a fire watch be in place for the event on the March 12. Those were the extent of the development services' conditions, then staff could authorize approval provided those items were addressed.

Michael House, city attorney, indicated that the city of Tucson did not have the ability to conditionally approve liquor licenses, so the mayor and council could approve this license with the understanding that the applicant would comply. Mr. House understood the applicant was not at the meeting today so the mayor and council could recommend denial of the application.

Vice Mayor Ronstadt said he actually spoke with the applicant last week and that whole issue uncovered a potential problem with the warehouse district. The Arizona department of transportation formerly owned these facilities and allowed artists to rent those facilities without having to comply with the local regulations. As a result, the city already had those facilities occupied. Essentially, there was no certificate of occupancy for those addresses, and there were several underlying issues. One was that there were multiple parcels with different addresses. Since they all looked like one building, one address, which was part of a building, had a certificate of occupancy, but the rest of the building did not. There was a systemic problem with the warehouse district and the regulations for the city.

Vice Mayor Ronstadt knew that the fire department had been working with the staff at the museum of contemporary art (MOCA) and they fully intended to cooperate with the development services center and the fire department. It was also his understanding that the fire department would not allow this event to occur if the public safety issues were not addressed.

Vice Mayor Ronstadt asked that a memorandum be sent out either this afternoon or the first thing in the morning for review of all warehouse properties to make sure that those issues would be addressed across the board for the future.

It was moved by Vice Mayor Ronstadt, seconded by Council Member Leal, and carried by a voice vote of 7 to 0, that the Tucson Symphony Society, 5(c)5 liquor license, be forwarded to the state department of liquor licenses and control with a recommendation for approval.

6. CONSENT AGENDA ITEMS A THROUGH C

Mayor Walkup announced that 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 items, by letter and title only, without objection.

A. IMPROVEMENT DISTRICTS: INTERGOVERNMENTAL AGREEMENT WITH PIMA COUNTY FOR LIGHTING IMPROVEMENTS AT CAMPBELL AVENUE FROM RIVER ROAD TO ROGER ROAD

- (1) Report from City Manager MAR1-04-92 W3
- (2) Resolution No. 19784 relating to improvement districts; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Campbell Avenue – River Road to Roger Road lighting improvement; and declaring an emergency.

***B. INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION FOR ACQUISITION OF PROPERTY FOR THE JULIAN WASH CULTURAL RESOURCE PARK (CONTINUED FROM THE MEETING OF JANUARY 26, 2004)**

- (1) Report from City Manager MAR1-04-102 W1
- (2) Resolution No. 19758 relating to transportation; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the State of Arizona for the Julian Wash Project; and declaring an emergency.

C. AGREEMENTS: LEASE AGREEMENT WITH TUCSON WI-FI ALLIANCE FOR ANTENNAE ON ROOFTOP OF TCC MUSIC HALL

- (1) Report from City Manager MAR1-04-103 W6
- (2) Ordinance No. 9939 Relating to real property; authorizing and approving the lease of a portion of city-owned real property located on the rooftop of the Tucson Convention Center Music Hall to the Tucson Wi-Fi Alliance; and declaring an emergency.

Mayor Walkup asked the council's pleasure.

It was moved by Vice Mayor Ronstadt, seconded by Council Member Leal, that consent agenda items A and C be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. There was none.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Leal, and Scott; Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Absent/Excused: None

Consent agenda items A through C, with the exception of item B, were declared passed and adopted by a roll call vote of 7 to 0.

RECESS: 5:33 p.m.

Mayor Walkup announced that the meeting would recess and reconvene at 6:00 p.m. for the remaining half of the regular session.

RECONVENE: 6:00 p.m.

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

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen S. Dunbar	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Vice Mayor Ward 6 (arrived at 6:04 p.m.)
Robert E. Walkup	Mayor

Absent/Excused: None

7. CALL TO THE AUDIENCE

Mayor Walkup announced that this was the time any member of the public would be allowed to address the mayor and council on any issue except those items scheduled for a public hearing. Speakers would be limited to three-minute presentations. He had two speaker cards and called on Jamie Schremmer.

A. Relocation of Greyhound Bus Terminal/Barraza-Aviation Parkway

Jamie Schremmer, said she lives in the Iron Horse Neighborhood and had been at the mayor and council meeting of February 23, regarding the relocation of the greyhound terminal. It sounded like that could possibly postpone the construction of the Fourth Avenue underpass by a year so that would make her plan work. She had a plan that she has discussed with many transportation people, but the biggest problem had been that it would take eight months to a year delay and would cost the taxpayers millions of dollars. For that reason, although she had been told that it was a very feasible plan and that it had to come before the mayor and council for approval. If she could, it was complex but she was going to go through it very quickly. She wanted to give a disclaimer in that Kim McKay and Brooks Keenan, the current project manager of the Barraza/Aviation Parkway and the current project manager for the Fourth Avenue underpass, had nothing to do with the way the plans were being built. They were new to the project and had just become involved.

Mayor Walkup asked Ms. Shremmer to conclude her remarks within three minutes.

Ms. Shremmer said she would, but if she couldn't finish she would come to the next scheduled mayor and council meeting with her concern regarding the Fourth Avenue underpass. It was really wide and the trolley was in its own lane of travel in two directions. When it leaves the underpass, it was going to be in the lane of travel of the automobile, so she did not understand why the underpass had to be 50 percent larger in width so that the trolley could be in its own lane of travel. It made no sense for a trolley. The trolley people did not ask for that, the Barraza/Aviation Parkway citizens advisory committee did not request it, it was put in by the transportation department and was non-negotiable. It doubled the cost of the underpass \$10 million. The Iron Horse Neighborhood Association voted not to give the trolley money. No more money was going downtown, so why \$10 million?

Her second question was regarding the length of the trolley, it was really long because on the north side, there were plans to put eight lanes of freeway. That answered her question about the Barraza/Aviation Parkway, because there had been talk that the new alignment did not work and they had already signed with consultants for an itinerant Barraza/Aviation Parkway. If the new alignment was taken out, the itinerant alignment would become the new alignment and all of that would be done without any input from the public.

Ms. Shremmer asked to reopen the question as to why the mayor and council had not requested that the transportation department look again at the old plan, which was to take Barraza/Aviation down 22nd Street or 36th Street? Both streets were closer and faster and would save the city millions of dollars.

B. Comments Regarding The Closed Universe

Michael Toney, submitted information regarding Einstein's original idea of the closed universe, the rotating. He showed them the gravitational attraction for the density that Albert Einstein gave and the orbital acceleration " v " square over " r ," two quantities in the paper that he had submitted. In the paper it showed that everything was rotating at the same angular momentum, which meant the stars really didn't change position that much. The illusion had been that it was exploding out into space. He showed the mayor and council the optics formula for red shift. That kind of completed the cosmological model, which showed, if accurate, that astronomy/astrophysics was wrong regarding his question, and it was uncritically accepted that the red shift was caused by this recessional velocity by Hubble, but there was really no proof of that.

Mr. Toney gave the mayor and council a picture of the Pachamama Earth Mother from 10,000 B.C like the Quechua. The four sides of it are all spread out and it's got some very beautiful details in it. He wanted the mayor and council to see that.

There were going to be some meetings coming and he planned to present this information at those meetings, but he needed the city's help to do that. If they had accurate information and they could see the possibilities that this could bring great income in very many different directions in Tucson, Arizona, etcetera, then there was that potential here. He had not seen anything similar from the University of Arizona planning department.

Mayor Walkup asked if anyone else wished to address the council. There was no one.

8. ZONING: (C9-03-23) LOWE'S – KOLB ROAD, C-1 TO C-2, CITY MANAGER'S REPORT

Kathleen S. Detrick, city clerk, read a clerical correction into the record. The agenda indicated that the rezoning site was located on the northwest corner of Speedway and Kolb; however, it was on the northeast corner of Speedway and Kolb.

Mayor Walkup announced that city manager's communication number 93, dated March 1, 2004, would be received into and made a part of the record. He also announced that this was a request to rezone property located on the northeast corner of Speedway Boulevard and Kolb. The zoning examiner and city manager recommend approval of C-2 zoning for the proposed large retail establishment only, subject to certain conditions. The mayor asked if the applicant or a representative was present, and if they were agreeable with the recommendations of the city manager.

Thomas Sayler-Brown, Sayler-Brown Bolduc Architects, 1001 N. Alvernon Way, representing the applicant, said they were.

Mayor Walkup asked the council's pleasure.

Council Member West said that it had been a pleasure working with Mr. Sayler-Brown and Victor Bolduc, who had really worked very hard to accommodate the trails

people, which was quite a feat in itself. This case was a big box and rezoning case combined in an abandoned store, and there was nothing Council Member West liked seeing better than something filling that space. She needed to take care of the small businesses in this center and Lowe's had been working very hard to work with the businesses. There were concerns that people had with noise and she hoped the walls and the landscaping would take care of that. She asked that the applicant work with the staff regarding traffic issues. That was a very busy corner and she knew there were plans to close some of those median cuts to allow for right turns only. She thought that was very important in that area to mitigate the traffic in every way the applicant could.

Council Member West pointed out that the parking lot had some large trees that the applicant was going to retain. She thought that was important and she was particularly pleased that the developer had chosen xeriscape landscaping rather than grass, because that would be the way to make an attractive design and allow less water use. The trees in the parking lot would cut down on heat islands and the mayor and council were also in agreement with that.

Council Member West noted that on page four that the developer had also talked about attractive design features. She saw a picture of what Mr. Sayler-Brown proposed, and it appeared to her that this was all points ahead. She would make a motion to approve the request.

It was moved by Council Member West, seconded by Council Member Dunbar, to approve the request as presented.

Ms. Detrick asked if Council Member West's motion was to approve the request as recommended by the zoning examiner and the city manager?

Council Member West said to approve the request or whatever that meant.

The city clerk reiterated that meant that the council member was approving the request as recommended by the city manager and the zoning examiner, and apologized that the staff recommendation had not been clear.

Mayor Walkup pointed out to the audience that this had been a very mature process where the developer, the council and the ward offices had worked together diligently to work out all of the details with city staff and that what the audience saw was a process that looked very easy, very quick, and very straight forward, but had taken a long time to get this far. He congratulated every one who had been involved including Council Member West who orchestrated the process.

Council Member West pointed out that there were 50 conditions that had to be met by the applicant.

Mayor Walkup interjected that any one of which could cause an absolute crisis.

Council Member West said that was important.

Council Member Dunbar asked to see the pictures.

Mr. Sayler-Brown submitted pictures regarding the project.

The motion in zoning case C9-03-23, Lowe's – Kolb Road, C-1 to C-2, to approve the request to rezone the property located on the northeast corner of Speedway Boulevard and Kolb as recommended by the zoning examiner and the city manager, carried by a voice vote of 7 to 0.

9. ZONING: (SE-03-30) NEXTEL – BENSON HIGHWAY, C-2 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT

Mayor Walkup announced that city manager's communication number 94, dated March 1, 2004, would be received into and made a part of the record. He also announced that this was a special exception land use request to allow six antenna panels on the site north of Benson Highway between Arlington Road and Treat Avenue. The zoning examiner and the city manager recommended approval subject to certain conditions. He asked that the applicant come forward and if they were amenable to the proposed requirements of the city manager.

Michael D. Elias, accepted the conditions of the city manager.

It was moved by Council Member Leal, seconded by Council Member Ibarra, and carried by a voice vote of 7 to 0, to approve the request for special exception land use for case SE-03-30, Nextel-Benson Highway, as recommended by the zoning examiner.

10. ZONING: (C9-02-03) KB HOME – WALNUT AVENUE, SR TO R-1 ZONING, ORDINANCE ADOPTION

Mayor Walkup announced that city manager's communication number 101, dated March 1, 2003, would be received into and made a part of the record. He requested the city clerk to read ordinance 9938 by number and title only, without objection.

Ordinance No. 9938

Relating to zoning: amending the zoning district boundaries in the area located west of the Walnut Avenue alignment approximately 600 feet north of Fort Lowell Road and 750 feet east of Alvernon Way in case C9-02-03, KB Homes – Walnut Avenue, SR to R-1; and setting an effective date.

Mayor Walkup recognized Council Member West.

Council Member West asked that John Ward with KB Homes address the mayor and council to give a brief power-point presentation on the great features of their design.

John Ward, thanked the mayor and council for the opportunity to make a presentation on some of the architectural features that would be shown at River Haven West, also known as the Walnut Property. He would give a brief step into the opportunities that they would explore in the future. The Walnut

property was an extension of their River Haven project at Fort Lowell and Columbus where there were just going to be a few brief front and side elevations and color schemes to offer in the community. The structures were going to be very typical single story adobe sonoran product with several ridgelines and a patio that broke the monotony of the front side elevation. He showed pictures of the front side elevations that had a variety of ridgelines, which they believed complemented each other very well, and showed an alternate front side elevation with a variety of ridgelines. Third, there was a two-story application of the adobe sonoran product with a variety of window shutters and roof lines at various relief elevations that would break the monotony of the design. The design was very appealing and would not look like it would be a very boxy house.

Mr. Ward displayed some color schemes that they planned to offer on the Walnut property or River Haven West. They hoped to show the mayor and council contrasting colors available in that product line series as opposed to a sea of beige and tans. They also had a variety of selections of color options a buyer may make to increase the architectural features of the elevations and some rock veneer facing that could be intermixed underneath windows and along the patios.

Mr. Ward pointed out that what was really hard to see on his rendering were the roof tiles that were complementary colors, not the standard asphalt shingles, but tiles. He wanted to present that information because it was different from the River Haven project. The elevations were slightly different. It was still the same house type, but the color selections were more appealing and there was more contrast with their appreciable color combinations.

What Mr. Ward wanted to step into next was an opportunity that his company was exploring on an upcoming project. It was not a rezoning project but an up and coming project that they called Catalina Vista, it was also known as Glenn Court. That project was on Glenn just west of Craycroft, at the north end of East Lawn cemetery.

Mr. Ward said the project was going to be called Green Court but in lieu of the front side of the houses being street side, they would be in a common area with a common sidewalk lacing through between the houses. The back side would have the motor court where all the garages were and the advantage to that was that an individual would not see a sea of garage doors as they drove down the road. The residents would have a common area that they might be able to frequent and be very neighborly amongst each other. That was their hope in this type of community.

Mr. Ward said this type of product was very exciting for them. They tried it in Denver, in Los Angeles and found that it had been very successful. It had some unique features to it, but it was not the community to try to change a thing.

Mayor Walkup asked Mr. Ward if his diagram showed grass or rock.

Mr. Ward pointed out that it was rock. He showed and explained the various pictures that there were no garages, they had patios, very architecturally appealing and inviting for neighbors to communicate with each other.

Mr. Ward said that was the same type of product as constructed in Denver. Obviously, it would not have the exact architecture that Denver would have. Some

features would be changed out, like the siding would be stucco instead of wood paneling, but the craftsman style of house would still be symbolic in this type of an architectural design. He said his picture was the side elevation, not the front elevation. He showed pictures of the project and explained that other houses were a little bit more unique and different from many of the houses that could be seen around Tucson.

After showing various pictures of the project Mr. Ward announced that would be the end of his slide presentation. He pointed out that color had an opportunity to offer a lot of variety to the architectural features for any builder. They believed that buyers would like to see a variety of color options and contrasting colors would be nice. If the city council/staff were desirable for some color changes, some of the approaches they would need to look at would be altering some rezoning conditions away from the earth desert tones that are required in rezoning conditions and also take a look at their light reflectivity requirements so they could have some more variety. He thanked the mayor and council for the opportunity to make a presentation.

Council Member West asked what KB Homes was going to be doing on the other three sides of those properties? Mr. Ward had shown the front of the homes that he was going to be developing on the Walnut property. What did KB Homes plan for the sides and the back? Would there be some design features there as well because that was really important?

Mr. Ward said, as Council Member West knew, this project had been on their books for a long time and they had not contemplated doing what they call foresighted elevations on this project and varying foresighted architectural elevation features in the future was certainly a desirable process. They had come a long way and they were probably very close to making a presentation and had been working diligently for several months on that. This project was not slated to have four sided elevations because it was not visible from surrounding areas. There was no public right-of-way; this project could not even be seen. However, if there was a desire for them to explore that option, they certainly would.

Council Member West said she would appreciate it if KB Homes explored that. She thought that would greatly enhance this project, particularly since this was a higher end housing development than the other one that Mr. Ward had been working on. It seemed to her that was something that she would like to ask KB Homes to experiment with to see if he could not come up with something that would enhance the other elevations as well. She told the mayor that she thought Council Member Dunbar had a question as well.

Council Member Dunbar said she wanted to talk about color for a moment. She thanked KB Homes for moving forward to try to change some of the boring beige color palettes. She had talked about that since she had been on the council and all one had to do was to drive around some of our interior neighborhoods to look at what some people were doing with color. It's beautiful. Some of the greens, beige, and rusts. She did not know why people thought that the beige palette was so lovely, but she thought it was really pretty boring. She asked the director of development services if people were being allowed to use a little bit of color. She was going to be painting her house. Did she need to get a permit?

Ernie Duarte, development services director, said that Council Member Dunbar would not need to get a permit to paint her house. As part of the rezoning process, as Mr. Ward pointed out, those were issues that were typically brought about by surrounding neighborhoods as a development was being proposed. One of the things staff looked for was compatibility with the existing development. In this particular case one of the conditions stipulated that all structures and freestanding walls would be of earth tone colors to complement the surrounding environment.

Council Member Dunbar thought the mayor and council needed to take a look at earth tones. Some of what she saw appeared to be olive green. Who was to say what earth tone is? She believed this case needed to be sent to the mayor and council growth subcommittee because the city of Tucson needed to move forward on the color people would be allowed to use.

James Keene, city manager, agreed that discussion would be appropriate for the mayor and council growth subcommittee.

Council Member Dunbar questioned where the roads would go in and out on the development of Walnut Avenue? She knew this area pretty well, but from the map that had been given to the mayor and council she could not tell how people were going to be able to get to and from their homes. Was the project landlocked? Were people going to have to be air lifted in to live in this area the rest of their lives?

Mr. Ward said that was an excellent question. When KB Homes developed the River Haven project to the east of this parcel, a rezoning condition was put in place. He displayed a rendering of the project and introduced the project manager to explain.

Mike Bruce, KB Home project manager, displayed a rendering of the community and pointed out the location of River Haven. One of the rezoning conditions for River Haven was to make sure that a spine road was constructed from Columbus all the way to Alvernon. The portion through River Haven was constructed and right-of-way had been obtained from the east side of River Haven to Alvernon. Currently the rest of the road was under construction in a joint effort with Summit Development to the north and west of this project. This parcel would be accessed from the spine road that connected Alvernon and Columbus to the north.

Council Member Scott said she understood that there were going to be walls around this project that were going to be on all three sides, or did KB Homes plan open space between the properties on the interior as they faced each other and just have a wall towards the rear?

Mr. Bruce was not entirely certain he understood Council Member Scott's question.

Council Member Scott pointed out that if she was looking out her back door from one of those houses, would she be looking at her own wall or at the property across the street without obstruction to be able to tell her where her property line was?

Mr. Bruce asked if she was a resident who did not live in that subdivision?

Council Member Scott clarified that if she bought one of those houses, her house would face her neighbors but then her back door would face a wall.

Mr. Bruce said if Council Member Scott lived in lot 40, the front of her house would be on the street and a rear yard wall and two side yard walls would separate her lot.

Council Member Scott asked if each of those houses would have walls on three sides.

Mr. Bruce answered yes.

Council Member Scott said if she was driving down the street she would not see into this property, she would simply see a wall. There would be a street, maybe sidewalks, hopefully streetlights and the whole nine yards and then just walls.

Mr. Bruce believed that Council Member Scott alluded to his comment that this project was not visible from existing public right-of-way.

Council Member Scott agreed.

Mr. Bruce said the only road that came close to this community was the new Paradise Falls that KB Homes was constructing. His diagram showed that it was separated by several hundred feet of the Walnut Landfill open space. He pointed to that on his rendering, and said the only road that came close to this community was separated by several hundred feet of Walnut landfill open space. He showed where existing residents live, where Walnut Avenue became a dead-end, the location of the Christopher City Wash and Walnut Wash area and the location of another group of residential properties that front to other streets in the area.

Mayor Walkup asked if the roads that led to the rear of the house for the garages would be where KB Homes envisioned garbage collection to be made.

Several council members said that was another property, a different development, another project.

Mr. Bruce apologized and pointed out that was where KB Homes was going to move forward with some of their new product developments.

Council Member Ibarra grew up in the area of Columbus and Glenn and asked the status of the old Walnut landfill open space and said that area used to be their recreation center.

Mr. Duarte said to the best of his knowledge that, while there had been some interest in the development of that particular site, there had not been any movement on that in the recent past.

Council Member Ibarra wondered if there was any reason to remediate that area, was it an inert landfill? Did staff know what it contained?

Mr. Duarte pointed out that development was subject to the requirements of the landfill ordinance, which required notification to property owners that they were buying property within a thousand feet of that landfill. Because the development did not sit directly on or within 50 feet, there was no need for any further remediation work. It was simple notification.

Council Member Ibarra questioned the proposed amendment to the *Rincon Southeast Subregional Plan* regarding the Los Reales and Wilmot landfill item that was to be continued because it was 2,000 feet away from the landfill. The mayor and council felt that was too close to a landfill because of the 2,000 feet differential and this rezoning is 50 feet from a landfill. Was one active and one not active anymore? What was the rationale? This landfill had never been remediated.

Mr. Duarte said the item that was continued was the plan amendment which paved the way for a subsequent rezoning. He did not think there was a plan amendment for this area. The rezoning process went forward under the existing plan.

One thing Council Member West wanted to say was that item 11, the zoning amendment to the *Rincon Southeast Subregional Plan*, was located right next to the Los Reales borrow pit. The dirt that was going to result there would affect the quality of life of anyone living there. The landfill was largely inert so she did not think that was going to be a problem. In fact, her dream was to put a park in the area of the landfill if and when the city could see its way clear to do that.

Mayor Walkup asked if there was further discussion. There was none.

It was moved by Council Member West, seconded by Council Member Dunbar, that ordinance 9938 be passed and adopted.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Dunbar, Scott, and Leal; Vice Mayor Ronstadt and Mayor Walkup

Nay: None

Absent/Excused: None

Ordinance 9938 was declared passed and adopted by a roll call vote of 7 to 0.

11. ZONING: PROPOSED AMENDMENT TO THE *RINCON SOUTHEAST SUBREGIONAL PLAN* TO ALLOW RESIDENTIAL USE ON VACANT LAND (CONTINUED FROM MEETING OF JANUARY 12, 2004)

Kathleen S. Detrick, city clerk, announced that staff had received a letter from the applicant that withdrew the request, so the appropriate motion was to accept the letter of withdrawal that had been submitted by the applicant.

Mayor Walkup asked the council's pleasure.

It was moved by Council Member Leal, seconded by Council Member Ibarra, and carried by a voice vote of 7 to 0, to accept the letter of withdrawal that had been submitted by the applicant.

12. PARKS AND RECREATION AND REAL PROPERTY: SALE OF CITY PROPERTY LOCATED ON SILVERBELL ROAD ADJACENT TO SILVERBELL GOLF COURSE TO ESTES DEVELOPMENT CO. LLC. (CONTINUED FROM MEETING OF FEBRUARY 23, 2004)

Mayor Walkup announced that city manager's communication number 100, dated March 1, 2004, would be received into and made a part of the record. He requested the city clerk to read ordinance 9937 by number and title only, without objection.

Ordinance No. 9937

Relating to real property; rescinding Ordinance No. 9815 of the Mayor and Council of the City of Tucson; vacating and declaring certain City-owned real property in the vicinity of Silverbell Road and the Silverbell Golf Course to be surplus; authorizing the sale thereof to Estes Development Co., LLC.; and declaring an emergency.

Mayor Walkup recognized Council Member Ibarra.

Council Member Ibarra wanted to let everybody know that he was a big supporter of the First Tee program and welcomed them to the El Rio Golf Course. He thought that was going to be a great fit for both the ward one office and the city of Tucson. He appreciated how staff had worked with the ward one office to make both an adult and a junior golf course. At the same time he still had some questions and uncertainties about the sale of the land and the price. He thought to a large extent that the First Tee Program was a solid program, but he asked that another council member make the motion because he was not going to be voting for it and although he was not going to be voting for it, it did not mean that he did not support the First Tee. He just did not support the sale of the land in the way it was fashioned. If another council member made another motion, the mayor and council could just go from there.

It was moved by Council Member West, seconded by Vice Mayor Ronstadt, that ordinance 9937 be passed and adopted.

Mayor Walkup asked if there was any discussion.

James Keene, city manager, said when he met with staff he asked about the impact that the delay of this decision might have on the First Tee program. The report that came back to him said that certainly this was a partnership between the city, the Conquistadores, and the First Tee Program to be able to provide not only long needed improvements to the El Rio Golf Course, but to provide the program. The whole purpose of the First Tee Program was to provide the experience of golf for kids and very often disadvantaged kids who would not have access to golf. What was shared with Mr. Keene was that if the city of Tucson did not proceed with what he thought was a viable proposal before the council, then the city would essentially be looking at a one-year delay on the

program. Because of the window of opportunity to do the reconstruction of the golf course and everything that was required, there was the short window of opportunity that related to the seasons to do that sort of a thing. The Conquistadores, who were a key player in this, had invested about \$150,000 to be able to do construction plans. So obviously, any delay by the mayor and council could only add to increased costs for doing a program. As the mayor and council knew, not only was the city getting about \$1 million to \$1.5 million in direct investment in the El Rio Golf Course from the Conquistadores and First Tee folks, the city would get about a \$100,000 a year over a 15-year period to provide programming in the city of Tucson. That was looking at some significant opportunities.

Mr. Keene said the Conquistadores' agreement with First Tee expired in September 2004. If the city of Tucson did not move now, the opportunity for the agreement would not be guaranteed. The Conquistadores needed to reapply to the First Tee program when their current contract expired, and obviously their board would need to decide. They may be successful in getting the First Tee program again, but they may not, so there was no guarantee. Mr. Keene thought it was important for the city of Tucson to keep in mind the fact that the city was where it was right now and there was certainly some risk. He could not define what all of that would be if the city of Tucson did not proceed to the program.

Mayor Walkup asked if there was further discussion.

Council Member Scott asked if there was going to be an immediate need to move dirt to bring the level of this property up to a certain height.

John Updike, project manager, answered that the relocation of fill to the site was not required immediately and the contractual obligation of the city was at a time to be determined by the city. That's the commitment that the city would make if this contract worked out.

Council Member Scott asked if the winning bidder got the property tonight, if a builder who wished to come in and build at some point, would that trigger the movement of dirt at some point to make this move up to the level that was needed for home sites?

Mr. Updike pointed out that there may be a request from a builder to initiate the movement of fill to the site but the timing of that would be at the city's discretion.

Council Member Scott asked if that piece of property was in someone's private hands at that point, was there any obligation on the part of the city taxpayers to offset the cost of the moving of that dirt? Was the city making any obligation, any sort of promise that they were going to help move dirt to that property?

Mr. Keene interjected that his understanding of the way that this deal was structured was that number one, the city of Tucson was dealing with some time issues and keeping a partnership and funding with the First Tee Program, so timing was important. Two, what the city was doing was selling a piece of city property for cash, and that cash was to be used as the city's match to the Conquistadores and the First Tee Program to do the golf course improvements in the program. When the city bid this out the first time, it had a lower price that it received below appraisal price on the property, and the developer backed out of it. There were some who particularly felt the need to fill

the property to ultimately be able to develop it with housing. As Mr. Keene understood under this agreement, the city of Tucson would get the appraisal price and then out of that, the city would be expecting to provide the fill dirt and what the city expected to do was to take some of the proceeds from the sale in order to fund the costs of making the property ultimately potential for development. The sense was that would net out at a dollar level sufficient at least to provide the city match on the First Tee Program and the improvements to the El Rio Golf Course.

Council Member Scott said what Mr. Keene was saying was that the estimate to move this fill that would be needed would be offset over time and it was certainly just a matter of time and the city was just fronting the money to move the dirt when it came time to do that.

Mr. Keene pointed out that the developer was actually going to pay the city of Tucson ultimately the \$2.3 million and out of that funding source, the city would then be in a position to use some of that funding to pay for the city's obligation to supply fill dirt, so the city would not be up fronting funding for this out of other city general funds.

Council Member Scott interjected that was what she was getting to.

Mr. Keene continued that this would be funding that would go to the golf utility because ultimately the golf utility would be making the expense to provide the fill so private property could ultimately be developed.

Council Member Scott asked if the price of the cubic yard for that fill dirt would be less than the going market rate because the city had a better deal?

Mr. Updike answered that staff had reason to believe that the price may be less than the market rate. Staff knew that the important issue was that the fill would be available and staff knew that the project with the Arroyo Chico drainage program would generate sufficient fill, so the quantity issue was resolved. It was simply a matter of negotiating the price with the corps of engineers on that project.

Council Member Scott said the reason she asked was that if a market price rate were paid per cubic yard of dirt and the city of Tucson needed 250,000 cubic yards just for this property, at five dollars a cubic yard, that was talking about a \$1 million or so. That was why she was asking, because if the city needed money for the First Tee, then would there be enough money to do the proceeds needed for the golf and to pay for the movement of the fill that was needed? Would the city have it? It was coming from a source, to move it back and forth and get it to the new site would cost some money to somebody and she just wondered if the city of Tucson would get a better deal. According to her math that was going to cost over \$1 million to do something like that.

Mr. Keene said his understanding was that the city of Tucson was getting over \$2.3 million up front from the developer. If the city paid roughly the going price for the delivery of the fill that would be four dollars to five dollars a cubic yard, so that could be in the range of a \$1 million. So even at a \$1 million the city of Tucson netted out \$1.3 million.

Council Member Scott pointed out that would be enough for the First Tee Program.

It was Mr. Keene's understanding that the deal for the First Tee Program was \$1 million from the city, with a \$200,000 contingency fund, so that would be \$1.2 million. Obviously, that would be a creative solution to a complex problem of both getting rid of fill at the Arroyo Chico Project and selling a piece of property and having El Rio redeveloped with no other funding alternative and providing this great First Tee Program for youth to be able to access golf. There were lots of different pieces to it so it was not necessarily a real simple deal. He guessed staff's feeling was clearly that the risk and the ability to leverage outside funding from the Conquistadores and the First Tee folks at almost \$3 million certainly seemed to be a worthwhile investment for the city to make and take a little bit of risk on this because the city would get way, way more in return on this. If it did not, the city of Tucson would run the risk of possibly losing millions of dollars of investment in a program that was going to benefit the city's youth and certainly one of the city's oldest golf courses that was just falling apart.

Council Member Scott thought Mr. Keene should know that she was trying to support this ordinance and she just wanted to make sure that the city had enough funding to go around and if the city of Tucson was moving dirt at a \$1 million and the city still had a \$1 million for the kids, that would still be enough to get this going. The person who was the successful bidder would take on the risk of any other plans for this property that would occur at that time. She asked if the successful bidder was a builder or a developer.

Mr. Updike said the successful recommended bidder, Estes, is a developer. Staff understood there was a builder behind the developer, likely a subsequent transaction, which would occur after subdivision plat approval, fairly typical in these types of land transactions.

Council Member West said the question that she would have to come to after what Council Member Scott had asked was that if this fill wasn't used for the Silverbell site, what would happen to that fill? Would it go to the landfill or where would it go?

Mr. Updike said Council Member West was correct. The contractor for the Arroyo Chico Project would have to determine where to put considerable amounts of fill. There was always the need for fill in the community but it may not be at that time or at the correct location, so a lot of that would depend upon the timing of the project and other projects that might be underway in the community.

Council Member West asked who would pay to move that fill if it wasn't going to this project? Would that be something the city or the county would have to pay for?

Mr. Updike explained that the cost related to removal of the fill was related as part of the project to the Corps of Engineers as the master developer of the Arroyo Chico Basin Project. They would be the one obligated to deal with the costs related to removing the fill.

Council Member West said she looked at this project and as a federal taxpayer she pointed out that somebody would have to pay for this. As a federal taxpayer, she was glad to know that perhaps that wouldn't happen. She was always a little bit suspicious of

fill because she had seen what had happened to some developments and she had learned from some developers that sometimes fill doesn't need to be there. She asked why was fill needed on this Silverbell property? Was the property low? Was that what it was? Was it because the current flood control district required it?

Bob Martin, parks and recreation director, answered that this project was located in a flood prone area. The fill was to raise the finished floor elevations to be 101 feet over the hundred-year flood.

Council Member West acknowledged that this was something that had to be done to make this site buildable.

Mr. Martin said that was correct.

Council Member West pointed out that the city of Tucson had saved the feds some money and at the same time, city taxpayers would be getting a golf program for children. She thought that was a good trade-off.

Council Member Dunbar said she was trying to find her materials but she could not find them. However, the city had a golf commission, so she asked how the members of that committee voted on this item?

Mr. Martin said the greens committee unanimously supported the concept prior to staff bringing the item to the mayor and council for approval.

Council Member Leal told Mr. Updike that it looked like there was about 1,400,000 feet on the subject 32 acres if his math was right, so after the city of Tucson paid for the fill, then the \$2.3 million would go down to about \$1.3 million. The city would then be getting about one dollar a foot for the land. He asked what the current zoning was for this land.

Mr. Updike believed the land was zoned R-1.

Council Member Leal responded that it was R-1 zoning, and in all probability the developer would not even be asking for a rezoning from the city of Tucson, they would use the zoning that the property had. He clarified that his question would have been, had that been a different zoning or a lesser zoning than the zoning, that the developer in all probability would have needed, then he would have argued, and will in similar circumstances in the future, that the city should rezone the property before it sells it so that the appraisal price would have been higher than the \$2.3 million, so that when the city subtracted the \$1 million, it got more than it bought per foot, but under the circumstances here, that's fair all the way around because a rezoning won't be required. So, the city in this case is not failing an opportunity to better manage a public resource of its property and further protect the ratepayers.

Mayor Walkup thought that this was a wonderful conclusion for something that the city had been waiting for quite some time and suggested people go out to El Rio to watch the staff help young people learn how to play golf. There were a lot of young people around the city who had been waiting for this to happen so to delay that another year

would be an inappropriate thing to do. Mayor Walkup thought this was a very worthy thing to do for all of our children. He called for a roll call vote on ordinance 9937.

Upon roll call, the results were:

Aye: Council Members West, Dunbar, Scott, and Leal; Vice Mayor Ronstadt and Mayor Walkup

Nay: Council Member Ibarra

Absent/Excused: None

Ordinance 9937 was declared passed and adopted by a roll call vote of 6 to 1.

13. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

Mayor Walkup announced that city manager's communication number 98, dated March 1, 2004, would be received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Leal, seconded by Council Member West, and carried by a voice vote of 7 to 0, to appoint John Carhuff to the Citizens Water Advisory Committee.

Mayor Walkup asked if there were any personal appointments.

Council Member Scott announced her personal appointment of Elliot Glicksman to the City Attorney Selection Committee.

Council Member West announced her appointment of Carol Barnard to the Commission on Disability Issues.

14. ADJOURNMENT: 6:53 p.m.

Mayor Walkup announced that the council would stand adjourned until its next regularly scheduled meeting to be held on Monday, March 15, 2004, at 5:00 p.m. in the Mayor and Council Chambers in City Hall, 255 W. 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 1st day of March, 2004, and do hereby certify that it is an accurate transcription of the magnetic tape record of said meeting.

MANAGEMENT ASSISTANT

KSD:PG:DD:NB:nd
pr agnst tp:bp