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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on May 9, 2006

Date of Meeting: April 11, 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 Tuesday, April 11, 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
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused

Steve Leal	Vice Mayor, Council Member Ward 5
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Staff Members Present:

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

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

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor John Williams, South Tucson Community Church of the Nazarene, after which the Pledge of Allegiance was presented by the entire assembly.

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

Mayor Walkup announced City Manager's communication number 178, dated April 11, 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 Trasoff announced there would be an informational Regional Transportation Authority (RTA) open house on April 13, 2006, at the Ward 6 Council Office. Pima County Board of Supervisors Chair, Richard Elias, was cosponsoring the open house. She said it would be an opportunity for the public to attend and ask questions of the experts, learn the facts, and make their own decision regarding the RTA.
- b. Mayor Walkup announced Passover began on April 12, 2006.

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

Mayor Walkup announced City Manager's communication number 179, dated April 11, 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.

No report was given.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 175, dated April 11, 2006, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License

1. Texaco, Ward 1  
880 W. St. Mary's Rd.  
Applicant: Sangeeta Thathi  
Series 10, City 17-06  
Action must be taken by: April 29, 2006  
Staff has indicated the applicant is in compliance with city requirements.

Person/Location Transfer

2. Diamond R Food Mart, Ward 3  
402 E. Prince Rd.  
Applicant: Fouad Antoun Bitar  
Series 09, City 18-06  
Action must be taken by: April 29, 2006  
Staff has indicated the applicant is in compliance with city requirements.  
Public Opinion: Protest Filed

Considered Separately

c. Special Event

1. Amigos de Las Americas of Tucson, Ward 6  
1303 E. University Blvd.  
Applicant: Michele Anzalone Grantham  
City T18-06  
Date of Event: April 30, 2006  
Raise Money for Community Development Works in Latin America  
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change

1. Chihuahua Market, Ward 1  
4870 S. 12th Ave.  
Applicant: Najib Mohamed Ali Alghaithi  
Series 10, City AC06-06  
Action must be taken by: April 24, 2006  
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Leal absent/excused), to forward liquor license applications 5b1, 5c1, and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

## 5. LIQUOR LICENSE APPLICATIONS

### b. Liquor License Applications

2. Diamond R Food Mart, Ward 3  
402 E. Prince Rd.  
Applicant: Fouad Antoun Bitar  
Series 09, City 18-06  
Action must be taken by: April 29, 2006  
Staff has indicated the applicant is in compliance with city requirements.  
Public Opinion: Protest Filed

Kathleen S. Detrick, City Clerk, announced Item 5b2, a request for a new license, would be considered separately.

Council Member Uhlich asked the applicant to speak first.

Fouad Bitar, applicant, said he had been at the location for four years and was in compliance with all the liquor license rules. Mr. Bitar displayed the certificates he received from the State of Arizona Attorney General for not selling to minors. He also said when they applied four years ago no one protested. There was an existing license at the location for the sale of beer and wine, but now they were changing the class.

Mr. Bitar said he tried to improve the neighborhood. He had put in a meat and produce market, he had changed the look of the neighborhood to make it nicer. He said he worked with the police and had not had any problems so far.

Council Member Uhlich thanked Mr. Bitar and asked Robert Kramber to speak.

Robert Kramber said he was a commercial real estate broker mainly dealing with bars and restaurants and he also helped with people with liquor license applications. He said he had known Mr. Bitar for about ten years. Mr. Kramber said Mr. Bitar was very reputable and had letters from the Governor. He said as a character reference, he could not find a nicer businessman in town than Mr. Bitar.

Council Member Uhlich thanked Mr. Kramber and asked Rick Wicinski to speak.

Rick Wincinski, President of Amphi Neighborhood Association, said he had known Mr. and Mrs. Bitar since they opened the market and he had visited them. He said they had no idea he represented the neighborhood. He watched them and knew they cared about the neighborhood. He had seen them take action against people trying to buy liquor and cigarettes who were underage. He said the Bitars cared about the neighborhood. Mr. Wincinski said he did not see a reason why this should not be allowed to happen. He said the Bitars wanted to open a meat and produce market with the market they currently had and he knew they would do very well.

Council Member Uhlich thanked Mr. Wincinski and said they certainly wanted to encourage the expansion. She said she knew there was a need for an area market there so that was great news. Council Member Uhlich asked if there was anyone else who wanted to speak.

There was none.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Leal absent/excused), to forward liquor license application 5b2, Diamond R Food Mart, 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. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH T-MOBILE WEST CORPORATION FOR PROPERTY AT 901 WEST SPEEDWAY**

1. Report from City Manager APRIL11-06-176 WARD 1
2. Ordinance No. 10268 relating to real property; authorizing and approving the Lease Agreement between the City of Tucson and T-Mobile West Corporation for a certain portion of real property located at 901 West Speedway Boulevard; and declaring an emergency.

### **B. REAL PROPERTY: VACATION AND SALE OF SURPLUS PROPERTY LOCATED AT 350 SOUTH FREEWAY**

1. Report from City Manager APRIL11-06-174 WARD 1
2. Ordinance No. 10267 relating to real property; vacating and declaring certain City property located at 350 South Freeway to be surplus property, and authorizing the sale thereof to Tucson West Hotel Associates L.L.C.; and declaring an emergency.

C. INTERGOVERNMENTAL AGREEMENT: WITH ARIZONA GAME AND FISH FOR THE SEGMENT 2 HABITAT CONSERVATION PLAN GRANT

1. Report from City Manager APRIL11-06-172 CITY-WIDE
2. Resolution No. 20319 relating to intergovernmental agreements; approving and authorizing an Intergovernmental Agreement between the City of Tucson and the Arizona Game and Fish Department for Management of the Segment 2 Habitat Conservation Plan Grant; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through C 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;  
and Mayor Walkup

Nay: None

Absent/Excused: Vice Mayor Leal

Consent Agenda Items A through C were declared passed and adopted by a roll call vote of 6 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 twenty minutes.

- a. Robert Reus stated his opposition to the Regional Transportation Authority (RTA) plan and accompanying bonds scheduled for the May 2006 Pima County election and also to the literature printed regarding the election located in the Park Place Mall and City Hall, which he considered propaganda. He also discussed representation on the RTA Board.

- b. Retha Long, representing Girl Scout Troop 558, who submitted petitions to the Mayor and Council last week to keep the elephants at Reid Park Zoo as their service project, thanked the Mayor and Council for voting to keep the elephants and increase the size of the habitat and also distributed a copy of the service badge and the requirements the Girl Scouts met to earn the service badge.
- c. Ruth Glass said she was in opposition to the decision made to keep the elephants at Reid Park Zoo. She said there were many other projects that needed funding and hoped voters would not approve the funding.
- d. Michael Toney said there was a large amount of revenue available from recycling. He said there were options available to speed up the Habitat Conservation Plan Amendments. Mr. Toney also addressed water conservation issues and programming improvements for Channel 12.
- e. Dick Basye voiced his concern regarding the demolition of the YMCA facility. He expressed his disappointment in the City's role in the sale of the property. He requested Council Member Trasoff research the issue.

**8. PUBLIC HEARING: WILMOT ROAD, BROADWAY BOULEVARD TO GOLF LINKS ROAD AND 28TH STREET, SWAN – BELVEDERE DISTRICT LIGHTING IMPROVEMENT**

Mayor Walkup announced City Manager's communication number 177, dated April 11, 2006, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for the final hearing on this improvement project.

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 asked if there was anyone who wished to speak on the matter at that time.

There were no requests to speak.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Leal absent/excused) to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 20311 by number and title only.

Resolution No. 20311 approving assessment and previous proceedings for the "Wilmot Road, Golf Links – Broadway and 28th Street, Swan – Belvedere District Lighting Improvement," in the City of Tucson, Arizona.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 20311.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Vice Mayor Leal

Resolution 20311 was declared passed and adopted by a roll call vote of 6 to 0.

**9. PUBLIC HEARING: ARCADIA-ALAMO AREA PLAN AMENDMENT – TUCSON MEDICAL CENTER (TMC) – CAMPUS REDEVELOPMENT**

Mayor Walkup announced City Manager's communication number 173, dated April 11, 2006, would be received into and made a part of the record. He also announced that this was the time and place legally advertised for a public hearing on amending the *Arcadia-Alamo Area Plan*, Subarea 3.

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

Ken Scoville, member of the Fort Lowell Historic District, said he and some of the members of the Fort Lowell Historic District were concerned about certain roads connecting to Glenn Street from the potential redevelopment plan for Tucson Medical Center (TMC), especially near one elementary school and some other connections from the washes.

Mr. Scoville said he wanted to address the historic buildings and he explained he was a local historian and had been involved in preservation issues in Tucson for over twenty years. He was also a member of the TMC Community Planning Steering Committee. He said the buildings and grounds of the Desert Sanitarium which became TMC were given to the community for a community hospital. He liked to think everyone in the community had some sense of ownership of the buildings and grounds and they enjoyed the success and efforts of TMC. Another perspective related to the history of the health seekers who came to Tucson, from Sam Hughes in the 1850s, to the people currently coming. Thousands of people came every day for better health, so that was a significant part of the history of Tucson.

Mr. Scoville said part of the amendment packet material contained the existing plan layout. He described the landmark buildings on the campus. The Patio Building was where they did research on tuberculosis and arthritis. The Arizona Building used to be the nurses' residence; they had to provide residences because it was too far out of town. The Erickson home was the home of the Erickson family who donated the land and the buildings to start TMC around 1943. To a lesser state, which might have more of a



connection to the community, were four court buildings where actual patients stayed. Those buildings were in different levels of condition. One of the buildings had been drastically altered and other buildings had problems. He said he was concerned about saving at least one of the buildings. The Hopi court building seemed to be in the best condition and had the least impact on the new hospital. The buildings told the story of the sanitarium and what really went on and the court buildings, the patient buildings, were key. Another aspect was they had found plans from Henry O. Jaastad, who became the mayor of Tucson, and was an accomplished architect. So there were plans for any restoration efforts.

Mr. Scoville said in the plan amendment the verbiage was to retain certain key buildings. He said he thought stronger language was needed. He said preservation of these key buildings should be a contingency of the plan amendment with a historic preservation easement for the land underneath the buildings. He realized that Beverly Boulevard and Grant Road were key anchor corners for possible future development so this was an opportunity to save those sites. He reiterated the irony of the court buildings being a little less important as far as condition and landmark status, but more with regard to stories and connections. He said he could not relay how often people asked what was going to happen to the court buildings, and told stories about their experiences with the those buildings.

Mr. Scoville said as they heard the rest of the information today, it was an opportunity for the Council to vote for preservation of that key part of history and hopefully not join the decisions of previous Councils that allowed the last few walls of the Convento to be bulldozed and become a landfill; or the decades of Council decisions that allowed every standing portion of the Presidio wall to vanish. He said he hoped they could avoid deciding fifty years later that the history of health seeking in Tucson was such an important part of the past that they would want to reconstruct some of the Desert Sanitarium that used to be at the TMC campus.

Mr. Scoville said in closing that TMC and Ayres/Saint/Gross, Inc. had developed an excellent potential campus plan buildout plan, but there needed to be a historic preservation easement for the Patio Building, the Arizona Building, the Erickson Building, and the Water Tower. He said they agreed with other people in the Old Fort Lowell District that the tower might to be moved a little bit, and they should try to save at least one of the court buildings. He said hopefully that would be the Hopi Building and this was a concern because part of the plan amendment that was going forward was asking for one hundred and fifty feet. If they looked at that one hundred and fifty foot zone it encompassed all four of the court buildings so they were essentially all at risk. He knew the next step was the planned area development (PAD) and hopefully that would be refined more but he hoped the Council would step up today in favor of preservation.

Mayor Walkup thanked Mr. Scoville and asked if anyone else wished to speak.

Robert Reus said he lived in the affected neighborhood approximately two blocks from where the new building would go. He said he currently had unobstructed views of

three of the four mountain ranges from his roof and he liked to view the thunderstorms and snow sometimes. He said he was not too happy with the idea of having a high-rise building blocking his view of the Rincon Mountains. After the death of his mother from cancer in a hospital, he did not like looking at hospitals. Mr. Reus said his neighbors had been working on this issue for a couple of years and they were satisfied they had gotten the best deal and so he did not oppose it. He also commented on the podium microphone.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Leal absent/excused) to close the public hearing.

Mayor Walkup asked the City Clerk to read Resolution 20318 by number and title only.

Resolution No. 20318 relating to planning and zoning; amending the *Arcada-Alamo Area Plan* by amending Tucson Medical Center Campus-Subarea 3; and declaring an emergency.

Council Member Ibarra asked Michael Rankin, City Attorney, if the proximity of his father-in-law's residence to TMC presented a conflict of interest.

Mr. Rankin thanked Council Member Ibarra for bringing the information to his attention. He said it did not rise to the level of an interest that would disqualify Council Member Ibarra from voting so he could participate in this item.

Council Member West said she wanted to emphasize they were approving the plan amendment that evening. The planned area development (PAD) would come next and some of the testimony they heard that evening would come at that time because that was when the plan would come forward. She said Jack Jewett was present and she asked him to come forward.

Council Member West asked Mr. Jewett if he had any comments regarding the plan amendment.

Jack Jewett, Tucson Medical Center Senior Vice-President of Public Policy, said they supported the planning staff recommendation to adopt the plan amendment as presented. He said they looked forward to the active community engagement and outreach as exhibited over the last year getting them to this point. He said issues raised that evening and other times in other forums were being addressed and they looked forward to continuing that process in the PAD.

Council Member West said she had spoken with members of the Old Fort Lowell Neighborhood Association. She said they were in concurrence with the plan amendment. The one question she had for Mr. Jewett was if they were committed to the historic preservation of the Patio, Erickson, and Arizona Buildings, and the Water Tower.

Mr. Jewett responded affirmatively and said TMC, through the TMC Foundation, had a historic preservation fund. They were committed publicly in documents to the buildings Council Member West cited and they looked forward to working with the historic architect through the PAD process to continue examining how best to retain those facilities. As part of the process he hoped the public would continue to be generous philanthropically, as they had been in the past, to help them in that regard.

Council Member West asked if Mr. Jewett would mention who the architect on the historic preservation of the properties had been.

Mr. Jewett said Corky Poster of Poster Frost Associates had done the assessment in the plan amendment process. He said they would retain Mr. Poster through the PAD process as well.

Council Member West thanked Mr. Jewett and asked if anyone else from TMC would like to speak.

There was none.

Council Member West said she thought Mr. Jewett was really understating because all the paperwork they had was over a year's worth of public input. The project had a bumpy start, but in the short period of time, TMC hired Ayres/Saint/Gross, Inc. who were nationally recognized, and they worked with TMC to get the project where it was. As Mr. Jewett pointed out, the PAD would come next. Where the City's focus points said they should encourage historic preservation, TMC changed the wording to say "retain." They had a strong commitment to historic preservation in this plan.

It was moved by Council Member West, duly seconded, to pass and adopt Resolution 20318.

Council Member Trasoff said in her reading of the material, the four other buildings that were in question had too much termite damage to be able to retain. She asked if that was something still being reviewed before a final decision was made.

Council Member West asked if Mr. Jewett or Mr. Poster would like to respond to Council Member Trasoff's question.

Mr. Jewett said Mr. Poster did reasonably extensive analysis of the condition of the court buildings and clearly the buildings were not in the condition that the Erickson, Arizona, and Patio Buildings were in. He said they would continue to be reviewed.

Council Member Trasoff said it was something they were still looking at but the preliminary indication was they were not in the same condition as the other buildings they had referenced. Council Member Trasoff said she was very pleased they had made the commitment to keeping the other buildings.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Vice Mayor Leal

Resolution 20318 was declared passed and adopted by a roll call vote of 6 to 0.

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

Mayor Walkup announced City Manager's communication number 180, dated April 11, 2006, would be received into and made a part of the record.

Mayor Walkup asked for a motion to approve the appointments in the report.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Leal absent/excused), to appoint Dr. Antonio Estrada to the Pima County/City of Tucson Commission on Addiction Prevention and Treatment.

Mayor Walkup asked if there were any personal appointments.

Council Member Scott appointed Martha Cramer to the Citizens' Water Advisory Committee.

Kathleen S. Detrick, City Clerk, announced Vice Mayor Leal's appointment of Walter Soto to the Minority and Women Business Enterprise Commission.

**11. ADJOURNMENT** 6:22 p.m.

Mayor Walkup announced the Mayor and Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, April 18, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

**ATTEST:**

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 11th day of April 2006, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:rm/mf