



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on August 8, 2006

Date of Meeting: June 20, 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 5:41 p.m., on Tuesday, June 20, 2006 all members having been notified of the time and place thereof.

1. **ROLL CALL**

The meeting was called to order by Mayor Pro-Tempore Leal and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Shirley C. Scott	Council Member Ward 4
Nina J. Trasoff	Council Member Ward 6
Steve Leal	Mayor Pro-Tempore, Vice-Mayor, Council Member Ward 5

Absent/Excused:

Karin Uhlich	Council Member Ward 3
Robert E. Walkup	Mayor

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 Susie Rogers 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 Siraj Islam Mufti, Ph.D. after which the pledge of allegiance was presented by the entire assembly.

Presentations:

- a. LeRoy Givens, American Public Works Association Director for Region VII presented Accreditation Plaques to the City of Tucson and the Departments of Transportation, General Services, Water and Environmental Services.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Pro-Tempore Leal announced City Manager's communication number 306, dated June 20, 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 West announced she had been elected to the Board of Directors for the Arizona Town Hall.
- b. Council Member Trasoff announced the Ward 6 Council Office would hold an open house on June 22, 2006, where they would be discussing the environment. The topic of the open house would be "Go Green."

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

Mayor Pro-Tempore Leal announced City Manager's communication number 307, dated June 20, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Letcher, Deputy City Manager, reported:

- a. The "E-Citation Project", a cooperative effort between the Tucson City Court and Tucson Police Department, had received the Arizona Judicial Branch Achievement Award for providing access to swift, fair justice. The award was to be presented at the Judicial Conference in Tucson. He congratulated Joan Harphant, City Court Administrator, and the members of the "E-Citation Team" from City Court, which included Becky Williams, Brian Heady, Robert Schacht, Cindy Harver, Stephanie Wheeler and Stella Bay.

5. LIQUOR LICENSE APPLICATIONS

Mayor Pro-Tempore Leal announced City Manager's communication number 299, dated June 20, 2006, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New License

1. Fas Fuel, Ward 3
3601 N. Oracle Rd.
Applicant: Muhammad Shafiq Rana
Series 10, City 52-06
Action must be taken by: July 8, 2006
Staff has indicated the applicant is in compliance with city requirements.

This item was continued to the meeting of June 27, 2006 at the request of Council Member Uhlich.

Person Transfer

2. 3rd Base Bar & Grill, Ward 4
6255 E. Golf Links Rd.
Applicant: Jeffrey Alan Morris
Series 06, City 47-06
Staff has indicated the applicant is in compliance with city requirements.

Location Transfer

3. 4-Star Liquors, Ward 5
4415 S. 6th Ave.
Applicant: Edward Phillip Lopez
Series 09, City 49-06
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event

There are no applications for special events scheduled for this meeting.

d. Agent Change/Acquisition of Control

1. Taste of Texas, Ward 2
8981 E. Tanque Verde Rd. #281
Applicant: Philip Anthony Hochevar
Series 12, City AC11-06
Action must be taken by: July 3, 2006
Staff has indicated the applicant is in compliance with city requirements.

2. Buddy's Grill, Ward 2
4821 E. Grant Rd.
Applicant: Arthur Thomas Owens
Series 12, City AC12-06
Action must be taken by: July 6, 2006
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 5 to 0, (Council Member Uhlich and Mayor Walkup absent/excused), to forward liquor license applications 5b2, 5b3, 5d1 and 5d2 to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA – ITEMS A THROUGH T

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

- A. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING JURORS TO THE TUCSON CITY COURT
 1. Report from City Manager JUNE20-06-309 CITY-WIDE
 2. Resolution No. 20360 relating to Intergovernmental Agreements; approving and authorizing the Intergovernmental Agreement between Pima County Superior Court and the Tucson City Court for providing jurors to Tucson City Court; and declaring an emergency.
- B. ASSURANCE AGREEMENT: (S04-086) ENCANTO VILLAGE SUBDIVISION (RCP), LOTS 1 TO 11 AND COMMON AREAS "A" AND "B"
 1. Report from City Manager JUNE20-06-300 WARD 6
 2. Resolution No. 20361 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-086 of a final plat for the Encanto Village Subdivision, Lots 1 to 11 and Common Areas "A" and "B"; and declaring an emergency.
- C. FINAL PLAT: (S04-086) ENCANTO VILLAGE SUBDIVISION(RCP), LOTS 1 TO 11 AND COMMON AREAS "A" AND "B"
 1. Report from City Manager JUNE20-06-301 WARD 6

2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- D. ASSURANCE AGREEMENT: (S04-064) SIERRA PANTANO SUBDIVISION (RCP), LOTS 1 TO 42 AND COMMON AREAS “A” AND “B”
1. Report from City Manager JUNE20-06-302 WARD 4
 2. Resolution No. 20362 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S04-064 of a final plat for Sierra Pantano Subdivision, Lots 1 to 42 and Common Areas “A” and “B”; and declaring an emergency.
- E. FINAL PLAT: (S04-064) SIERRA PANTANO SUBDIVISION (RCP), LOTS 1 TO 42 AND COMMON AREAS “A” AND “B”
1. Report from City Manager JUNE20-06-303 WARD 4
 2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- F. GRANT APPLICATION: TO THE GILA RIVER INDIAN COMMUNITY ON BEHALF OF THE UNIVERSITY OF ARIZONA BIO5 INSTITUTE AND WORLD WIDE WHEAT
1. Report from City Manager JUNE20-06-304 CITY-WIDE
 2. Resolution No. 20363 relating to finance; authorizing and approving a Grant Application to the Gila River Indian Community on behalf of the University of Arizona BIO5 Institute and World Wide Wheat; and declaring an emergency.
- G. TUCSON CODE: AMENDING (CHAPTER 22) RELATING TO THE CITY OF TUCSON EMPLOYEES’ VOLUNTARY DEFERRED COMPENSATION PLANS
1. Report from City Manager JUNE20-06-305 CITY-WIDE
 2. Resolution No. 20364 relating to personnel; adopting the ICMA Retirement Corporation Deferred Compensation Plan and Trust document as the City of Tucson’s Deferred Compensation Plan; designating a Trustee; and declaring an emergency.

3. Resolution No. 20365 relating to finance; adopting the Nationwide Retirement Solutions Deferred Compensation Program for commissioned Fire Department employees represented by the local union of the International Association of Firefighters; and declaring an emergency.
- H. REAL PROPERTY: AUTHORIZATION TO ACQUIRE REAL PROPERTY FOR COMPLETION OF THE WIDENING PROJECT OF BROADWAY BETWEEN EUCLID AVENUE AND CAMPBELL AVENUE
1. Report from City Manager JUNE20-06-311 WARD 6
 2. Resolution No. 20366 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property located at 1443 and 1611 East Broadway Boulevard for completion of the widening project of East Broadway Boulevard; and declaring an emergency.
- I. REAL ESTATE: ACCEPTANCE OF A PUBLIC ACCESS AND UTILITY EASEMENT AT NICARAGUA STREET AND CALLE POLAR
1. Report from City Manager JUNE20-06-310 WARD 4
 2. Ordinance No. 10290 relating to real estate; authorizing and approving the acceptance of a public access and utility easement to the City of Tucson from Esperanza En Escalante in connection with the development of transitional housing for homeless veterans at Nicaragua Street and Calle Polar; and declaring an emergency.
- J. APPROVAL OF MINUTES
1. Report from City Manager JUNE20-06-312 CITY-WIDE
 2. Approval of minutes for the regular meeting of the Mayor and Council held on May 16, 2006.

Kathleen S. Detrick, City Clerk, announced a clerical error in the minutes, which Council Member Trasoff brought to her attention. Ms. Detrick stated on page sixteen, under Item 8, the Starbucks El Con Mall zoning case, the third paragraph read "Council Member Trasoff said there had been considerable discussions among neighborhood associations, El Con Mall and the Ward 6 Office about the issue. There were concerns made and they tried to address all of them." The correct wording should be, "There were concerns expressed and they tried to address all of them."

- K. ASSURANCE AGREEMENT: (S05-093) SILVERBELL RESIDENTIAL SUBDIVISION (RCP), PHASE I, LOTS 1 TO 85 AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JUNE20-06-297 WARD 1
 2. Resolution No. 20367 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-093 of a final plat for the Silverbell Residential Subdivision, Phase I, Lots 1 to 85 and Common Areas “A”, “B”, and “C”; and declaring an emergency.
- L. FINAL PLAT: (S05-093) SILVERBELL RESIDENTIAL SUBDIVISION (RCP), PHASE I, LOTS 1 TO 85 AND COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JUNE20-06-298 WARD 1
 2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- M. WATER: AUTHORIZATION TO PURCHASE WATER RIGHTS FROM EL RANCHO MERLITA LLC, AND REQUEST CONVERSION TO GROUNDWATER PUMPING CREDITS
1. Report from City Manager JUNE20-06-320 CITY-WIDE
 2. Resolution No. 20368 relating to water; authorizing the purchase of Type 2 Water Rights from El Rancho Merlita, LLC and conversion of that right to groundwater pumping credits; and declaring an emergency.
- N. TUCSON CODE: AMENDING (CHAPTER 28), RELATING TO SUBMISSION OF SUBCONTRACTOR LISTS IN COMPETITIVE SEALED BIDS
1. Report from City Manager JUNE20-06-316 CITY-WIDE
 2. Ordinance No. 10292 relating to procurement: providing for the submission of subcontractor lists in competitive sealed bids by amending Article V, Section 28-48 of Chapter 28 of the Tucson Code; and declaring an emergency.
- This item was considered separately at the request of Mayor Pro Tempore Leal.

- O. TUCSON CODE: AMENDING (CHAPTER 10) RELATING TO EMPLOYEES SEPARATING FROM THE CITY JUNE 25 THROUGH JULY 8, 2006
1. Report from City Manager JUNE20-06-296 CITY-WIDE
 2. Ordinance No. 10293 relating to compensation plan; Tucson Code Chapter 10, amending implementation provisions of FY 2007 Compensation Plan salary schedules, providing for special implementation of schedules for purposes of payment of vacation and/or sick leave accruals to eligible separating employees and annual sell back of sick leave by eligible employees; and declaring an emergency.
This item was considered separately, after Item 8, at the request of staff.
- P. TUCSON CODE: AMENDING (CHAPTER 22) RELATING TO BENEFITS FOR FIRE COMMISSIONED PERSONNEL
1. Report from City Manager JUNE20-06-321 CITY-WIDE
 2. Ordinance No. 10294 relating to benefits: amending Tucson Code Chapter 22, by retitling chapter; amending Article V, Section 22-95 (sick leave incentive program providing for incentive payment and personal leave days), to extend incentive program for additional years; amending Article VI, Section 22-102 (death benefit for employee group eligible for representation by IAFF), providing expanding qualifying criteria; and declaring an emergency.
- Q. INTERGOVERNMENTAL AGREEMENT: WITH US FISH AND WILDLIFE SERVICE AND THE UNIVERSITY OF ARIZONA REGARDING THE BUFFELGRASS CONTROL PROJECT
1. Report from City Manager JUNE20-06-325 WARD 1
 2. Resolution No. 20369 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement with the US Fish and Wildlife Service and the University of Arizona accepting a Grant Award to control buffelgrass in the Tucson area; and declaring an emergency.
- R. FINANCE: TRANSFER OF FUNDS FROM THE WARD 1 OFFICE BUDGET TO THE LAST ALARM FOUNDATION, INC., A-MOUNTAIN COMMUNITY HOUSE, ARIZONA AMATEUR BASEBALL CONGRESS, AND VOICES, INC.
1. Report from City Manager JUNE20-06-313(2) WARD 1

2. Resolution No. 20370 relating to Finance; authorizing and approving the transfer of twenty thousand dollars (\$20,000) from the Ward One Council Office budget to the Community Support Fund, Account No. 001-183-1898-268 to be disbursed to the Last Alarm Foundation to cover costs for the restoration of a 1954 Mack, "Last Alarm," L-Model Fire Truck, A-Mountain Community House to cover costs of a Memorial Garden in recognition of those who have volunteered their time in building and maintaining the A-Mountain Community House, Arizona Amateur Baseball Congress (AABC) to cover costs for baseball field maintenance for the AABC Annual "Fourth of July" Baseball Tournament, and VOICES, Inc. for the planning of a future proposed downtown youth center named Area 520; and declaring an emergency.

S. FINANCE: PROPOSED AGREEMENT WITH COMMUNICATION WORKERS OF AMERICA/TUCSON ASSOCIATION OF CITY EMPLOYEES (CWA/TACE)

1. Report from City Manager JUNE20-06-315(2) CITY-WIDE
2. Resolution No. 20371 relating to employee relations; authorizing the City Manager to execute an agreement between the City of Tucson and the Tucson Association of City Employees/Communication Workers of America; and declaring an emergency.

T. FINANCE: PROPOSED AGREEMENT WITH INTERNATIONAL ASSOCIATION OF FIREFIGHTERS/TUCSON FIREFIGHTERS ASSOCIATION (IAFF/TFFA)

1. Report from City Manager JUNE20-06-314 CITY-WIDE

This item was continued to the July 6, 2006, Mayor and Council meeting.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through T, with the exception of Items N and O, which would be considered separately, and Item T, which was continued, be passed and adopted and the proper action taken.

Mayor Pro-Tempore Leal 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, Scott, and Trasoff;
and Mayor Pro-Tempore Leal

Nay: None

Absent/Excused: Council Member Uhlich and Mayor Walkup

Consent Agenda Items A through T, with the exception of Items N, O, and T, were declared passed and adopted by a roll call vote of 5 to 0.

Kathleen S. Detrick, City Clerk, announced that since there were only five members of the Council present, they could not enact the emergency clause of the ordinances and resolutions. Unless there was an objection, all the items that required the emergency clause would be brought back the following week for consideration.

6. CONSENT AGENDA – ITEM N

N. TUCSON CODE: AMENDING (CHAPTER 28), RELATING TO SUBMISSION OF SUBCONTRACTOR LISTS IN COMPETITIVE SEALED BIDS

1. Report from City Manager JUNE20-06-316 CITY-WIDE
2. Ordinance No. 10292 relating to procurement: providing for the submission of subcontractor lists in competitive sealed bids by amending Article V, Section 28-48 of Chapter 28 of the Tucson Code; and declaring an emergency.

Mayor Pro-Tempore Leal announced the first item on the Consent Agenda to be considered separately was Item N, entitled Submission of Subcontractor Lists in Competitive Sealed Bids. He stated there had been a great deal of work done on this issue through the Mayor and Council Economic and Workforce Development Subcommittee. It was an effort to keep tax money local to increase the likelihood that local subcontractors obtained City work, as opposed to having it contracted to developers from other states. He said they thought they had a good and balanced ordinance, which was unanimously supported at the Mayor and Council Economic and Workforce Development Subcommittee. Now that it was before the Council, there was a clarification in the text that needed to be made by the City Attorney.

It was moved by Council Member Trasoff that Consent Agenda Item N be passed, but requested that as part of that, the City Attorney provide the verbiage that would clarify that when they referred to subcontractors in the measure, they were referring to all subcontractors.

Mike Rankin, City Attorney, replied that it was brought to his attention after the materials for the item went out that staff did not capture all the direction that came from the subcommittee. He stated the item was the same as what the Council had in front of them, with the following change. Under section 1, which provided for section 28-48, entitled Procurement of Construction, the second paragraph, Section 28-48, would read as follows: “Bidders shall submit subcontractor lists for all subcontracts, including those for subcontractors of subcontractors that are above five thousand dollars. The list shall be in accordance with the instructions contained in the Invitation for Bid.” He said that beyond that, the remainder of the ordinance was what was provided to the Council.

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

Mayor Pro-Tempore Leal said that before voting on the item, he saw that Dan Cavanagh and Jim Kulish were in the audience and asked if either of them wished to address the Council on the item. He commented that both had participated over time with the Council on the issue.

Dan Cavanagh, representing Arizona Builders Alliance, stated he appreciated the clarification and said it went to the main point in their December 30, 2005 memorandum to Mayor and Council, about at least having a “first here” list of subcontractors.

Mr. Cavanagh said he was very pleased that the amendment was being considered, but wanted to mention one additional point. He said the City of Tucson was a major “bid shopper” in issuing bids, rejecting bids and putting the contract out again for bids. He told the Council that hopefully, that issue could be looked at, as well as the issue of liability. He wondered since they needed the permission of the City of Tucson in order to remove a non-performing company, who would be responsible for the cost; would it be the contractor or the City of Tucson. They hoped to get a clarification from the City Attorney’s Office.

Jim Kulish stated they started the process almost four years ago. He thanked Vice Mayor Leal and Council Members Ibarra and Scott. They were the first ones to come forward to work on this. He also thanked the new subcommittee with Vice Mayor Leal and Council Members Trasoff and Uhlich. He said this was good for their industry, good for the City, good for the taxpayers and good for everybody. He stated they had no problem with sub sub-listing, whatever had to be done to make it right, adding it was a fair ordinance and they appreciated it.

Mayor Pro-Tempore Leal asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Trasoff;
and Mayor Pro-Tempore Leal

Nay: None

Absent/Excused: Council Member Uhlich and Mayor Walkup

Consent Agenda Item N, as amended, was declared passed and adopted by a roll call vote of 5 to 0.

7. CALL TO THE AUDIENCE

Mayor Pro-Tempore Leal announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for thirty minutes. However, they had received enough requests to speak for an hour and a half, and he said he would be willing to expand the time.

- a. Russ Dove spoke about a study completed by the Violent Crimes Institute in Atlanta and gave statistics on crimes attributed to illegal aliens.
- b. Hilario Parra, representing the employees in the City of Tucson Streets Department, spoke in opposition of the recommended City of Tucson Compensation Plan.
- c. Matthew James spoke in opposition of the recommended City of Tucson Compensation Plan.
- d. Alexis Mazón, representing members of Communication Workers of America (CWA), Local 7000, spoke in opposition of the recommended City of Tucson Compensation Plan.
- e. Ries Lindley spoke in opposition of the recommended City of Tucson Compensation Plan.
- f. Linda Hatfield, representing members of the Communication Workers of America (CWA), spoke in opposition of the recommended City of Tucson Compensation Plan.
- g. Wanda Felix presented the Council with a petition signed by City employees requesting a better wage increase than the proposed two-percent.
- h. Cheryl Bard, member of AFSCME, Local 449, said she did not believe the City was recognizing its own Charter. She asked the Council to support a four-percent increase across the board and a mandatory step increase for all the non-exempt hourly employees.
- i. Joe Jaimez spoke in opposition of the recommended City of Tucson Compensation Plan.
- j. Robert Reus commented on the City of Tucson Compensation Plan and illegal aliens and crime.
- k. John Kromko suggested that the City give a flat dollar amount to everyone as a pay raise.

- l. John Martinez spoke in opposition of the recommended City of Tucson Compensation Plan.
- m. Alan Lee, representing AFSCME Local 449, AFL-CIO, spoke in opposition of the recommended City of Tucson Compensation Plan.
- n. Dorothy Moreno spoke in opposition of the recommended City of Tucson Compensation Plan.
- o. John Thomas spoke in opposition of the recommended City of Tucson Compensation Plan.
- p. Michael McCrory spoke in opposition of the recommended City of Tucson Compensation Plan.

8. TUCSON CODE: ADOPTION OF THE ANNUAL COMPENSATION PLAN FOR EMPLOYEES OF THE CITY OF TUCSON FOR FISCAL YEAR 2007 (CONTINUED FROM THE MEETING OF JUNE 13, 2006)

Mayor Pro-Tempore Leal announced City Manager's communication number 323, dated June 20, 2006, would be received into and made a part of the record.

Council Member Scott stated that the Council was eager to be fair and equitable to all employees. She asked to continue the item for one more week. They hoped City employees would note that the Council was pressured two weeks ago to come to a conclusion and make a statement at that time. The unions said they wanted another week and that happened. Then another week passed and a third week was now going to be allowed to pass in order to honor the requests of City employees.

Council Member Scott said they hoped the City employees would work with the Council. They had a fiscal responsibility to City employees and they wanted to show City employees how much they honored and appreciated what they did. They also had the constituency outside of the City, whom City employees served, that said, "What about us? We want our potholes fixed, etc." Council Member Scott stated the balancing of that put them in a very difficult position. They hoped that in the intervening period of time, they would have a full Council present and have time to cogitate upon these serious matters. She told City employees that the Council wanted to come to a conclusion that was fair and equitable to employees, but was well balanced and sustainable, with the priorities that they all cited were priorities for the budget.

It was moved by Council Member Scott, duly seconded, to continue this item until next week.

Mayor Pro-Tempore Leal asked if there was any further discussion.

Council Member West said she listened with a great deal of respect to a lot of employees. In fact, she said she came to the meeting prepared not to vote for any of the options. She did not favor the four-percent. She said she would not pander and City employees knew her well enough to know she would be honest. She commented that someone said they would like to have her salary and she said her salary was twenty-four thousand dollars a year, with the voters saying 'no' to a raise. She shared the pain of City employees. She also wanted to say something in defense of the police officers and firefighters. She told City employees that they did not leave their houses and kiss their spouses 'good-bye', thinking that they might not see them again.

Council Member West said they were seeing more and more abuse of police officers in the community and felt they could not be paid enough. Furthermore, she said the money they were all arguing about was because of their compensation plan and their retirement fund. She stated they should think about other things and one was sustainability. She asked the City Manager if they would be able to keep their sustainability plan if they approved the four-percent, which the Council supported unanimously. She asked if they would be able to fix the City's streets and parks, and give employees the kind of equipment they needed to perform their jobs that they did so well.

Mike Hein, City Manager, went over the changes to the recommendations, stating that since the last meeting, they obtained final numbers on the public safety pension requirements as an obligation from the City for the next fiscal year. Those numbers changed from what they thought and from what was discussed at the last Council meeting. Based on the discussion and the direction that was given, the City Manager's Office prepared three alternatives. The first was the progressive fuel cost allowance for implementation on August 6, 2006. This alternative recognized the cost of fuel has caused a hardship on some of the lower earning employees of the community. They were recommending a one-time lump sum of two hundred-fifty dollars for those earning an annual base of thirty-five thousand dollars or less. For those earning a base salary between thirty-five thousand dollars and fifty thousand dollars, there would be one lump sum of one hundred fifty dollars. The estimated cost would be five hundred thirty-nine thousand dollars. If they converted it as one of the speakers mentioned, it would be higher than the additional half percent or percent to some of the lower scale employees.

Mr. Hein went over the second option, which was a cost of labor adjustment. It was also discussed by some of the representatives and Council to add an additional half percent. Again, he said they were at a recommendation of two and a half percent, raising it to three percent for civilian employees. The final option was a blended police recruitment and fuel cost allowance for implementation. Those with a base salary of thirty-five thousand or less would receive a one time lump sum payment of three-hundred dollars. The residual of that money would go towards a police recruitment account. He told the Council those were the three options that were before them, given the change in the numbers from last week.

Mr. Hein said the question Council Member West posed was difficult to directly answer, dependent upon what motion would be raised. If, for example, the motion was to raise the recommendation of option two from three-percent to four-percent, the cost would roughly be 1.1 million dollars or so. The additional money needed would depend on whether it was a full year or a half-year. It would have to come from either a reduction in some of the other budget elements or re-shifting, or re-prioritization. If it were re-examined at mid-year, it would depend on revenue streams. The budget had been approved and the money was the money, and what they were talking about was additional resources that they did not expect, because their liability to the public safety pension was less than anticipated at the beginning of the budget process.

Council Member West asked the City Manager about the proposed income tax cut, asking if it goes through in the legislature, would it affect the City this year or next year.

Mr. Hein replied that the state income tax shared revenues would affect the City in two years.

Mayor Pro-Tempore Leal questioned the decision making process between the three options. He said he had heard things over time, which he thought needed to be dealt with a lot better in the coming year. He said he thought that the City Manager's recommendation to meet with all the labor unions once a month would help, because employees were frustrated and Mayor and Council were also frustrated getting information so late. He also said another potential problem was the disparity with four-percent for some and two and a half, maybe three for others. That was an improvement, but he still asked why was it different. They have seen that two and a half and three-percent for many people did not really equal a cost of living when a rise in other situations was factored in. He gave the example of when the Council was raising Parks and Recreation fees for kids to balance the budget or in this case, where the City said they needed to balance services and employees, and some were paid really well and others could be paid better.

Mayor Pro-Tempore Leal said the City had to do what needed to be done and they could all get there together. He said it was unconscionable for them not to deal with the real cost of living for City employees. He said he objected when the City wanted to hire eighty-two prisoners for fifty cents an hour to fix streets, when the City proposed taking medical benefits away from people working less than thirty hours. He did not think that was the kind of community the City of Tucson wanted to be. If it was not okay to do those things, it was not okay to not deal with the cost of living that was real.

Mayor Pro-Tempore Leal said the Council gave this issue a second week to make a decision on the Compensation Plan. They had gotten closer and some on the Council were optimistic about what some of the revenue projections would be. They always tried to make them conservative and they should try to make them conservative. However, the economy in Arizona was still strong. The City expected the economy to look good revenue-wise for the community. He said he thought it made sense to continue the item,

as he thought it made sense for them to give it another week at the last meeting, to see if they could make that cost of living real. It was too hard on families. He said the Council had gained some ground, but they were really not there yet. He hoped that could be achieved with another week.

Mayor Pro-Tempore Leal asked if there was any further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Trasoff:
and Mayor Pro-Tempore Leal

Nay: None

Absent/Excused Council Member Uhlich and Mayor Walkup

The motion to continue the adoption of the Annual Compensation Plan for Employees of the City of Tucson for Fiscal Year 2007 to the meeting of June 27, 2006, was carried by a roll call vote of 5 to 0.

6. CONSENT AGENDA – ITEM O

O. TUCSON CODE: AMENDING (CHAPTER 10) RELATING TO EMPLOYEES SEPARATING FROM THE CITY JUNE 25 THROUGH JULY 8, 2006

1. Report from City Manager JUNE20-06-296 CITY-WIDE
2. Ordinance No. 10293 relating to compensation plan; Tucson Code Chapter 10, amending implementation provisions of FY 2007 Compensation Plan salary schedules, providing for special implementation of schedules for purposes of payment of vacation and/or sick leave accruals to eligible separating employees and annual sell back of sick leave by eligible employees; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced for the record that Consent Agenda Item O would also be continued for one week.

9. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23), THE LAND USE CODE; MODIFICATION OF DEVELOPMENT REGULATIONS FOR THE RIO NUEVO AND DOWNTOWN OVERLAY ZONE

Mayor Pro-Tempore Leal announced City Manager's communication number 322, dated June 20, 2006, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the proposed modification of development regulations for the Rio Nuevo and Downtown Overlay Zone. The public hearing was scheduled to last for no more than one hour and

speakers would be limited to five-minute presentations. He asked if anyone in the audience wished to be heard on this item.

Mark Rogers said he was the General Manager of the Riverpark Inn, which was located on the west side of the freeway along the river and along the frontage road and the south boundary of the future extension of Clearwater and they hoped the Flandrau Science Center. He was there to speak on behalf of the Riverpark Inn in support of the proposed changes to the *Land Use Code*. In the future they would do development work on their property and he said they would appreciate the Council considering this matter favorably.

Mike Steele, Tierra Planning Services, urged the Council to consider the code changes for the following reasons. They reflected a couple of key characteristics of downtown areas in the United States. He said downtown areas were complicated places to have development. First, they were complicated physically by their size. They were complicated by the land uses around them and by the visibility of the project. Second, one size definitely did not fit all for codes and systems for downtown versus other places. If they all left the building and walked around downtown for five minutes, they would have a much different environment and experience than if they drove fifteen or twenty minutes east and went to a mall or neighborhood east of downtown. He said the code should reflect that. Third, the process and codes needed in the downtown areas should be open and transparent, and easily understood by private clients, by the neighborhoods in the downtown areas, and by staff. Mr. Steele thought this amendment was a movement in that direction.

Mr. Steele suggested this was a good first step in re-engineering the processes used and the codes and systems used in downtown Tucson, to focus on a process or system that was realistic and responsive to the nature of downtown and yet open and responsive system in terms of the public at large and the neighborhood associations.

Kathleen Skinner, representing the Tucson Metropolitan Chamber of Commerce, commented that the Tucson Chamber of Commerce supported the *Land Use Code* amendment for the Rio Nuevo Downtown Overlay Zone. She said it would provide greater flexibility for downtown redevelopment. This mixed-use area had been subjected to many regulations that had not been well suited for the unique area. Parking and other dimensional standards had created unintended obstructions for those attempting to develop valuable mixed-use structures downtown, which included residential and commercial units.

Ms. Skinner said it was important that the City continue to re-examine the current process, so as to provide greater flexibility and more suitable regulations for the area. She said the Tucson Chamber of Commerce appreciated the Mayor and Council's review of the proposed amendment to the *Land Use Code* and said it was an important step in the right direction to accommodate the unique attributes of the downtown area. Ms. Skinner said the Tucson Metropolitan Chamber of Commerce also encouraged the Council to continue to review the *Land Use Code* as it pertained to the downtown area and address

any other complications that might hinder redevelopment, which was vital to the City's objective of creating a vibrant and cultural center.

Randi Dorman said she was one of the developers of the Ice-House Lofts and an advocate for downtown revitalization. She urged the Council to support the amendment. They felt that the current *Land Use Code* was written for a suburban model and to revitalize a downtown area required a different way of thinking. She said their team had a project on the corner of Stone and Broadway. They were going to develop thirty-two condominium units, plus six thousand square feet of commercial space. They were very excited about the project, but the idea of having to go in front of the Board of Adjustment for a loading zone waiver, as well as nine commercial spots, given that there was a loading zone right next to their site and the La Placita parking lot, they decided not to do that project. Had the amendment been in place, they could have been well on their way to developing a great mixed-use project downtown. They would still like to be doing more projects downtown and they were actively seeking to do more projects. They felt this amendment would be a good step in the right direction.

Michael Toney said what would make sense in the modification of the *Land Use Code* would be the expedition of projects that had a surplus of enhancements related to them, which were getting hung up in unnecessary red tape. He spoke about enhancing and improving the appearance of surrounding areas. He said these had to be kept together and integrated more. What had been happening downtown was the flourishing of green space, which had been put on the back track. He felt these should be discussed simultaneously.

Mayor Pro-Tempore Leal asked if there was anyone else in the audience wishing to be heard on this item. Upon hearing none, he asked for a motion to close the public hearing.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 5 to 0, (Council Member Uhlich and Mayor Walkup absent/excused), to close the public hearing.

Mayor Pro-Tempore Leal asked the City Clerk to read Ordinance 10295, by number and title only.

Ordinance No. 10295 relating to Planning and Zoning; amending the Tucson Code Chapter 23, *Land Use Code*, Article II, Zones, Division 8, Overlay Zones, Sections 2.8.10, Rio Nuevo and Downtown (RND) Zone by adding a new Section 2.8.10.8, modification of Development Regulations (MDR); and amending Chapter 23A, Development Compliance Code, Article II, Review Procedures, Division 2, Special Zoning Review, Limited Notice Procedure, Section 23A-40, and Division 3, Special Zoning Review, Full Notice Procedure, Section 23A-52; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Ordinance 10295.

Council Member Trasoff said the Downtown and Rio Nuevo Subcommittee had been working on this for a while. She thanked Albert Elias, Urban Planning and Design Director, and staff for all of their work. It had become apparent, as the Subcommittee worked with different developers and different organizations downtown, that there was a need to have greater flexibility and a greater awareness of how the City operated. The needs downtown were not the same as the needs in other parts of the community. They heard this many times and they were trying to respond to this in a way that would provide that flexibility, but also had the safeguards to make sure that things were done the right way. This would not be just for those people who were trying to build downtown, but also for the neighbors who were there.

Council Member Trasoff said she felt the City had built sufficient safeguards into the amendment to make sure that the flexibility was balanced, with appeals and the possibility for other perspectives to be brought in. She said that hopefully there would not be a need for a lot of appeals, because the staff would be circumspect in what they did. She stated it was a different beast downtown and said the City could not live by the same rules as the rest of the community. She thanked staff for their work and thanked her colleagues Council Members Ibarra and Leal, who worked with her on the Downtown and Rio Nuevo Subcommittee. She also thanked those who spoke in support of the amendment and said she felt it was a very positive move for the City.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Trasoff,
and Mayor Pro-Tempore Leal

Nay: None

Absent/Excused: Council Member Uhlich and Mayor Walkup

Ordinance 10295 was declared passed and adopted by a roll call vote of 5 to 0.

10. ZONING: (C9-05-32) HERMAN MARK HOMES – 29TH STREET, RX-1 TO R-1, CITY MANAGER’S REPORT

Kathleen S. Detrick, City Clerk, announced there were reports from the City Manager and the Zoning Examiner.

Council Member West said the applicant had prepared some added design conditions that were not reviewed by the Zoning Examiner. She asked that additional time be allowed on this item.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 5 to 0, (Council Member Uhlich and Mayor Walkup absent/excused), to continue this item to the meeting of July 6, 2006.

Kathleen Detrick, City Clerk, announced that the meeting of July 6, 2006, would be held at 5:30 p.m. at City Hall, 255 W. Alameda, Tucson, Arizona.

11. ZONING: (C9-06-04) CHIRCO – 22ND STREET, C-1 TO C-2, CITY MANAGER’S REPORT

Mayor Pro-Tempore Leal announced City Manager’s communication number 318, dated June 20, 2006, would be received into and made a part of the record. This was a request to rezone property located on the eastside of Gollob Road between Twenty First Street and Twenty Second Street. He said the Zoning Examiner and staff recommended approval, subject to certain conditions. He asked if the applicant or a representative was present and if they were aware of and agreeable to the proposed requirements.

Keri Silvyn, with Lewis and Roca, representing Santo and Rose Chirco, said they were aware of and agreeable to the proposed requirements.

Council Member West complimented and thanked the Chircos and the neighbors for working so well together. She knew things were a little rocky in the beginning, but they worked together. She felt this would be a good project.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 5 to 0, (Council Member Uhlich and Mayor Walkup absent/excused), to authorize the request for rezoning as recommended by the Zoning Examiner and staff.

12. ZONING: (C9-06-06) BRETT – BROWN STREET, SR TO RX-1, CITY MANAGER’S REPORT

Mayor Pro-Tempore Leal announced City Manager’s communication number 317, dated June 20, 2006, would be received into and made a part of the record. This was a request to rezone property located south of Broadway Boulevard, on the west side of Brown Street. The Zoning Examiner and staff recommended approval, subject to certain conditions. He asked if the applicant or a representative were present and if they were aware of and agreeable to the proposed requirements.

There was no one.

Council Member West explained why the applicant possibly was not present, stating it was a brother, sister and their families who wanted to split the lot so they could live next door to one another.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 5 to 0, (Council Member Uhlich and Mayor Walkup absent/excused), to authorize the request for rezoning as recommended by the Zoning Examiner and staff.

13. ZONING: (C9-06-07) WYCOZONA – MARY ANN CLEVELAND WAY, RH TO R-1, CITY MANAGER’S REPORT

Mayor Pro-Tempore Leal announced City Manager’s communication number 324, dated June 20, 2006, would be received into and made a part of the record. This was a request to rezone property located on the west side of Pantano Wash north of Rancho del Lago. He said the Zoning Examiner and staff recommended approval subject to certain conditions. He asked if the applicant or a representative was present and if they were aware of and agreeable to the proposed requirements.

Mike Steele, Tierra Planning Services, said they were aware of and agreeable to the proposed requirements. They asked for some consideration with regard to the limitations on one-story lots.

Council Member Scott said there was a change to condition nineteen, which they spoke with the developer about. She asked to read it into the record and said she had copies for Council and staff, to amend the current statement of the condition. The new condition should read, “The following requirements restrictions apply to homes along the perimeter. All lots adjacent to existing, single-story homes along the South boundary shall be restricted to single-story, all other lots may be one or two-story. A minimum of 50% of the lots adjacent to the West and North boundary shall be single-story. One and two-story homes shall be distributed in a manner that provides for varied building heights. All lots adjacent to the East boundary shall be single-story or two-story.” She asked that to be added as part of the record.

Council Member Scott stated Mr. Wiruth was in the audience and asked if he could be allowed an opportunity to speak.

Al Wiruth, President of the Rita Ranch Neighborhood Association, stated the area in question fell within their association. They did not have any major problems. He went to the Zoning Examiner’s meeting regarding this. One concern they brought up was in the conditions there had to be two ways to get out of the development. One would be through state land, which he hoped the developers would be able to do. One of the concerns they had was that Mary Ann Cleveland Way was a major thoroughfare.

Mr. Wiruth said they were getting a lot of interest and a lot of zoning occurring on Mary Ann Cleveland Way. One of his concerns was if there was going to be a traffic study, in case there needed to be a light. He did not know if it was a requirement, or if part of the impact fees would be part of that. He asked if the impact fees for the houses would be held for such a light; or would they be used to pay back Mary Ann Cleveland Way, which was funding that needed to go back to the various Council Members that it was borrowed from.

Council Member Scott said the question, as she understood it was could the impact fees be used to put towards a traffic signal as opposed to paying off Mary Ann Cleveland Way one hundred-percent versus other options.

Mike Hein, City Manager, said the impact fees were generated by benefit area and went back to pay projects that were approved through the Capital Improvement Project (CIP) process for that benefit area. One of the specific requests he believed Council Member Scott's Office made was that the City not front-load all the liability on Mary Ann Cleveland Way. In other words, all the revenue that would come in would not automatically go to pay the debt on Mary Ann Cleveland Way. Therefore, there would be some room to do other improvements that were called for in the Capital Improvements Project that met the criteria of impact fee eligibility, that dealt with capacity enhancements.

Mr. Wiruth said another concern was about open space area. He referred to one of the developments they had off of Valencia. The homeowners did not realize they were responsible for the wash. They wanted to make sure with this development that the homeowners, not the neighborhood association, were aware that the washes within the boundaries of the project would be their responsibility for maintaining the riparian area and it could be very expensive. In some areas, as in the section by Valencia and Houghton, it was forty thousand dollars for doing two cleanups, and it had to be done manually, because it was a riparian area. That issue and the trail were concerns he had, not that they were going to have them, but that the costs would be thrown onto the homeowners.

Mr. Wiruth added he knew the City was trying to relieve costs, and he understood that, but he said that was a problem. He said that all of a sudden the neighborhood would learn they would have to clean up the washes and did not have that money. He asked the developer to make sure that was known up front and that the homeowners would be made fully aware.

Mayor Pro-Tempore Leal asked how many homeowners were in the project.

Mr. Wiruth replied there were three hundred fifty-five homeowners in the project. He said they were not aware that when the homeowners association took over, they had to take care of this riparian area. Mr. Wiruth commented that Max Torres of Council Member Scott's office worked very closely with the homeowners association.

Mr. Wiruth said he was concerned about shifting the burden on the homeowners, if they were not aware when they purchased their home that they were responsible for those washes, or the subsequent trail that was put in the development for public use.

Council Member Scott stated it spoke to the issue of affordability. She said that was one extra fee, but detention and retention basins was another, supporting the schools, the water hookup fee; they all added up. It led to the question of affordability in the City of Tucson.

Mayor Pro-Tempore Leal said there was an additional issue of equity, which was embedded in this. If taxpayers in the rest of the City were paying a dollar for property taxes, the City was taking care of their detention facility, their wash and their

neighborhood park with that dollar, providing all other City services. If they were having new subdivisions go in, where they were making the homeowners, through their homeowners association, pay additionally to get that service, they would really be paying twice. Mayor Pro-Tempore Leal thought the City was setting up a disparity, which meant that people were being treated differently in different parts of town. He said that was something the Council should not allow, because it would be very problematic.

Council Member West thought that most of the time the City required that homeowners take care of the washes. However, if that was not the case, she thought that should come before the Mayor and Council Subcommittee on Environment Planning and Resource Management Intelligent Growth. Council Member West said she read Mr. Wiruth's testimony before the Zoning Examiner and said he brought up some points about the wash. Knowing Council Member Scott's past experience with the Pantano Wash, Council Member West said she wanted to know where indeed would the water go. She asked if it would be emptied into the Pantano Wash. Council Member West asked the Development Services Director where that water would go.

Ernie Duarte, Development Services Director, referred to Condition 24 in the materials, which addressed the issue of drainage. In the event drainage basins were included in the final design and site, a number of conditions would apply. Those conditions were consistent with Council policy, with respect to retention detention facilities and the need to function as a community amenity, to avoid the situations they had experienced in the past. The reason that particular condition qualified was that the development was in close proximity to a major watercourse, the Pantano Wash. It was entirely feasible that the project itself could do a direct discharge into the Pantano Wash and prevent the need for a detention retention facility. He stated those types of design issues would be addressed as the project went forward, was designed, went through the engineering process and got reviewed through the tentative plat process.

Council Member West said it appeared there were other washes in that development and asked if that was problematic or if it had been worked out.

Mr. Duarte stated those issues had gone through extensive discussions with the applicant and staff, over the past few months to get to where they were at the present time. There were many trails, a lot of open space, and a number of the wash areas were designated as NUOS (Natural Undisturbed Open Space). He felt the City had done a good job in covering those areas.

It was moved by Council Member Scott, duly seconded, to authorize the request for rezoning as recommended by the Zoning Examiner, including the amendment to condition nineteen, which she read into the record.

Council Member Trasoff commented that she loved the open space and the clustering. She felt it was very well done and said it appeared to be very sensitive to the area. She appreciated that. She had a couple of questions. First, she asked what would

happen if they could not get access across the state land for the second exit and also for the trails that were proposed.

Mr. Steele replied that if they looked at the site carefully, they would know they needed access to that site. The conditions on the case required them to provide access to the site and as a practical matter, they had to get that access through the State Land Department. Mr. Steele said they had been working very hard with the State Land Department and were in the middle of doing archaeology and biology studies for those corridors. They were working on applications for those rights of way and the State staff was aware of their need for those road rights of way. They have had discussions with the State to make sure there was adequate capacity in water and sewer lines installed in that roadway that would go from Mary Ann Cleveland Way across the State land to their site, making sure there was adequate capacity for the future development and build out of the State land that adjoins the new roadway.

Council Member Trasoff she also had a question about sewage capacity in the area.

Mr. Steele said they had that same question asked by the State Land Department and said they were in the process of getting a letter from Wastewater Management in Pima County about the capacity of the lines that they would discharge to, as well as the State land that was immediately to their west, that would also come on line, at some point with development, using the general plan densities for that State land. They did not have that letter with them, but said it was a key question for their project and it had to be there, or City staff would not approve their project, if they did not have a sewer for it.

Council Member Trasoff said that raised an overall issue for the Council and staff in the future, as they approve future projects, they would have to address the issue.

The motion to authorize the request for rezoning as recommended by the Zoning Examiner, including the amendment to condition nineteen, was carried by a voice vote of 5 to 0, (Council Member Uhlich and Mayor Walkup absent/excused).

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Pro-Tempore Leal announced City Manager's communication number 308, dated June 20, 2006 would be received into and made a part of the record. He asked if there were any personal appointments to be made.

Mayor Pro-Tempore Leal announced his personal appointment of Ray Siquieros to the Citizen Police Advisory Review Board.

15. ADJOURNMENT 7:45 p.m.

Kathleen S. Detrick, City Clerk, announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, June 27, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 20th day of June, 2006, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:sac/eg