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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on January 26, 2010

Date of Meeting: August 5, 2009

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:42 p.m., on Wednesday, August 5, 2009, all members having been notified of the time and place thereof.

Roger W. Randolph, City Clerk, announced Council Member Trasoff was unable to be present for the meeting, but she would be participating by telephone. This was allowable under the Mayor and Council Rules and Regulations. He stated Council Member Trasoff advised the City Clerk of her location, and assured him that no one else was present with her. Council Member Trasoff could vote on all matters in the same way as those members physically present, as long as she participated in the discussion. On the evening's agenda, all votes would be done by roll call rather than voice vote.

### 1. ROLL CALL

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

Present:

Regina Romero	Vice Mayor, Council Member Ward 1
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6 (electronic attendance)
Robert E. Walkup	Mayor

Absent/Excused:

Rodney Glassman	Council Member Ward 2
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Staff Members Present:

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

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

The invocation was given by Father Robert Rankin, St. Melany Byzantine Catholic Church, after which the Pledge of Allegiance was led by the Boy Scout Troop 733.

Presentations:

- a. Mayor Walkup proclaimed August 20, 2009, to be the “234<sup>th</sup> Anniversary of Tucson.” Kathy Nabours, Tucson-Pima County Historical Commission, accepted the proclamation.
- b. Mayor Walkup, assisted by Mike Letcher, City Manager and Richard Miranda, Deputy City Manager, presented Certificates of Appreciation to City employees Michael Huerta, Rose Davila, Daniel Denman, Charles Patterson, and Gary Caviglia, for answering the “Budget 911 Call” by offering valuable suggestions and/or solutions on how the City did business. Leading the “Budget 911 Call” team were Michael Carson, Christina Parisi, and Anita Smith-Etheridge.

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

Mayor Walkup announced City Manager’s communication number 393, dated August 5, 2009, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Vice Mayor Romero invited the public to attend a celebration in Barrio Anita on August 15, 2009, to unveil a youth bicycle art project, completed by youth from Ward 1 and funded through a grant from the Pima Association of Government’s Bi-Annual Summer Youth Employment Art Program and in partnership with the Pima Arts Council and the City’s Department of Transportation.

Vice Mayor Romero also commented she saw that Tucson was rated as the number one place in which to “come and live” a simpler life in the *USA Today* and the *American Association of Retired Persons (AARP) Magazine*.

- b. Council Member Uhlich invited the public to attend a “fiesta” birthday celebration event on August 15, 2009, with La Siesta Motel which included lots of fun, food, entertainment and a road show slide presentation regarding the neon sign district on Miracle Mile.

Council Member Uhlich also noted, instead of holding the Ward 3 monthly Community Conversation meeting in July, they held a Graffiti Abatement Training for neighborhoods. She thanked the Limberlost, Hedrick Acres, El Cortez, Mountain First Avenue, Coronado Heights, La Madera, Cottonwood, Oak Flower, Mountain View and Keeling Neighborhoods for their participation.

- c. Council Member Scott announced Ward 4 was celebrating their “Ninth Annual Back to School Bash” on August 8, 2009, at the Clements Recreation Center, which included a free pancake breakfast and free school supplies for all school age children.
- d. Council Member Leal announced that the three hundred fifty-acre infill project located at Thirty-Sixth Street and Kino Parkway was moving forward, and the Mayor and Council, on the evening’s agenda, was voting on the liquor license for Costco.
- e. Council Member Trasoff announced the Ward 6 Council Office was hosting a birthday celebration, in conjunction with the next installation of their local art exhibit on August 22, 2009,

Council Member Trasoff also announced the Grand Opening of the Fourth Avenue Underpass on August 20, 2009, which was also the anniversary of the founding of Tucson.

- f. Mayor Walkup commented on the article in *USA Today* and the *AARP Magazine* declaring Tucson as the number one city for simple living, which meant high quality of life. He said it was estimated the story reached fifty million people.

Mayor Walkup commented that I-10 was opening up seven to nine months earlier than planned and cautioned citizens driving on I-10 and the frontage road, to abide by the traffic signs posted.

Mayor Walkup also invited the public to attend the grand ribbon cutting ceremony for the opening of the Fourth Avenue Underpass on August 20, 2009.

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

Mayor Walkup announced City Manager’s communication number 394, dated August 5, 2009, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

Mike Letcher, City Manager, thanked Jim Glock, Director of Transportation, Andrew Singelakis, Deputy Director of Transportation, and Lou Ginsberg, Director of Real Estate for their hard work and support with the Warehouse District Properties.

#### **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager’s communication number 395, dated August 5, 2009, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New License(s)

1. B-Z's Pizza Company, Ward 2  
9431 E. 22nd St., Suite 137  
Applicant: Carl Ferris Sorell  
Series 12, City 38-09  
Action must be taken by: July 25, 2009

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

2. Trader Joe's #88, Ward 6  
4766 E. Grant Rd.  
Applicant: H. J. Lewkowitz  
Series 7, City 40-09  
Action must be taken by: July 30, 2009

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

3. Trader Joe's #191, Ward 3  
4209 N. Campbell Ave.  
Applicant: H. J. Lewkowitz  
Series 7, City 41-09  
Action must be taken by: July 30, 2009

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

4. Caffination, Ward 5  
3191 E. Valencia Rd., #111  
Applicant: Irina Rudnitsky  
Series 12, City 42-09  
Action must be taken by: August 7, 2009

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

5. Costco Wholesale, Ward 5  
3434 S. Kino Pw.  
Applicant: Clare Hollie Abel  
Series 9, City 43-09  
Action must be taken by: August 7, 2009

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

6. Time Market, Ward 6  
444 E. University Blvd.  
Applicant: Peter Thomas Wilke  
Series 12, City 45-09  
Action must be taken by: August 8, 2009

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

7. Mulligan's Sports Grill, Ward 4  
9403 E. Golf Links Rd.  
Applicant: Mark Richard Baker  
Series 12, City 46-09  
Action must be taken by: August 9, 2009

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

8. R & D Union Inc., Ward 5  
4701 E. 29th St.  
Applicant: Raj Agarwal  
Series 10, City 47-09  
Action must be taken by: August 15, 2009

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

Public Opinion:          Written Arguments Opposed Filed

This item was considered separately.

9. Gas City Family Pantry #612, Ward 1  
1285 W. Ajo Wy.  
Applicant: Martha Veronica Bersano  
Series 10, City 48-09  
Action must be taken by: August 14, 2009

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

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

Person/Location Transfer(s)

10. Rialto Theater, Ward 6  
318 E. Congress St.  
Applicant: Douglas William Biggers  
Series 6, City 44-09  
Action must be taken by: August 8, 2009

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

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

c. Special Event(s)

1. Comite de Festividades Mexicanas, Ward 1  
3700 S. La Cholla Blvd.  
Applicant: Mercedes M. Guerrero  
City T44-09  
Date of Event: September 12, 2009 - September 13, 2009  
(To celebrate Mexican Independence Day)

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

2. Tucson Breakfast Lions Club, Ward 5  
4823 S. 6th Ave.  
Applicant: Wayne Francis Locke  
City T45-09  
Date of Event: September 5, 2009 - September 6, 2009  
(Fundraiser)

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

3. Escaramuza Flor de Primavera, Ward 5  
4823 S. 6th Ave.  
Applicant: Francisco Javier Celaya  
City T50-09  
Date of Event: August 15, 2009  
(To educate equestrian Mexican culture concert/dance)

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

4. EMVIA Corporation (EMVIA), Ward 3  
4502 N. 1st Ave.  
Applicant: Mitzi Monet Tharin  
City T53-09  
Date of Event: August 29, 2009  
(General Fundraising)

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

5. Tucson's Young Professionals, Inc., Ward 1  
140 N. Main Ave.  
Applicant: Kevin A. Moreau  
City T54-09  
Date of Event: September 4, 2009  
(To promote community event in downtown Tucson)

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

d. Agent Change/Acquisition of Control/Restructure

1. Fanelli's Deli L.L.C., Ward 3  
2334 N. 1st Ave.  
Applicant: Chris F. Fanelli  
Series 7, City AC4-09  
Action must be taken by: July 25, 2009

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

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

It was moved by Council Member Trasoff, duly seconded, to forward liquor license applications 5b1 through 5b7, 5b9 through 5b10, 5c1 through 5c5, and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Glassman

The motion to forward liquor license applications 5b1 through 5b7, 5b9 through 5b10, 5c1 through 5c5, and 5d1 to the Arizona State Liquor Board with a recommendation for approval was carried by a roll call vote of 6 to 0.

## 5. LIQUOR LICENSE APPLICATIONS

b. New License(s)

8. R & D Union Inc., Ward 5  
4701 E. 29th St.  
Applicant: Raj Agarwal  
Series 10, City 47-09  
Action must be taken by: August 15, 2009

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

Public Opinion: Written Arguments Opposed Filed

Roger W. Randolph, City Clerk, announced the application to be considered separately was Item 5b8, R & D Union Inc., located in Ward 5.

Council Member Leal asked if the applicant was present.

Raj Agarwal, the applicant, said he had been at this business location for sixteen years and every year more and more people asked for liquor at his store. His decision to apply for a liquor license application was based more for the convenience of the community and less of a business consideration. He also said, with the closure of Sam's Restaurant and Bar next door to his business and the closure of Al's Tavern within the next year or two, there was even a greater need for liquor at his store.

Mr. Agarwal commented Tucson was a very hot place, and with no liquor at his store, people next door to his business had to walk almost a round trip of 1.2 miles in the 110 degree weather to buy their beer. He said it was not fun; it was almost a physical torture. He stated he had almost two hundred six signatures and four apartment managements who supported his liquor license application.

Mr. Agarwal commented he had two previous liquor license citations issued in 1999 and 2000 for his 7-Eleven Stores. More recently, in 2004, he had one citation at the R & D Conoco Station. He said this citation was something that could have happened to anyone, but the other two citations were rather old and requested that due consideration be given to this fact. Mr. Agarwal emphasized that for all the citations, he personally was never cited; it was always the cashiers who made the mistakes.

Mr. Agarwal said in reference to the neighborhood protests, as a proud member of the Myers Neighborhood Association; he fully supported all their excellent welfare programs. He stated he had made cash contributions to the Myers Neighborhood Association in the past and would continue to do so in the future. He emphasized that the interests of the neighborhood associations and his business interests were not conflicting; they were one and the same. Just the way the neighborhood association wanted a neat, clean, and low crime area, he wanted the same. The low crime area was good for his business; and would not go against them; it could only be an asset to his business.

Mr. Agarwal said his business was in good standing with all City departments, including the Revenue Department and the Tucson Police Department. He said with all those facts in mind, he requested that his liquor license application be recommended for approval.

Council Member Leal thanked Mr. Agarwal and said he understood there were eight letters of protest. He asked if there was anyone present who wanted to address the Council on the opposing side of the issue.

Vickie Mesiner said she resided in the Myers Neighborhood. She acknowledged that Mr. Agarwal was a member, and had paid his five dollars, which was his membership donation to the neighborhood. She said she was present to representing



the 29-2C, which was the 29<sup>th</sup> Street Coalition Corridor, the 29<sup>th</sup> Street Coalition Weed and Seed, as well as Alvernon Heights, Julia Keen, Naylor, Myers, and Roberts Neighborhoods. She informed the Mayor and Council that they were in opposition of the new liquor license application, stating they were simply over-saturated with liquor licenses. She stated in a 3.7 mile radius that made up the 29<sup>th</sup> Street Corridor, which was Craycroft to Country Club, Twenty-Second Street to Golf Links, they had forty-seven liquor licenses. Ms. Mesiner said even when averaged out per mile, there would be 12.7 liquor licenses per mile. She said they were so saturated in liquor licenses; they just did not need any more.

Ms. Mesiner said the intersection of Twenty-Ninth Street and Swan, which was where R & D Union was located, was the only intersection without one to three liquor licenses on the corner. She said they deserved one clean intersection without alcohol, drugs, panhandling, and prostitution, all of which could follow with a liquor license.

Ms. Mesiner said each neighborhood, the 29-2C and the 29<sup>th</sup> Street Coalition Weed and Seed had been fighting crime and were helping to restore their neighborhood since 2001, so they could all live safely and securely with an improved quality of life. She said Weed and Seed funding brought in more police coverage with very positive enforcement. This funding also brought in neighborhood projects, such as cleaning yards for elderly and handicapped, painting homes, etc. Weed and Seed had also brought in funding for preventive programs for youth, after school programs, domestic violence, education and prevention programs, major neighborhood cleanups by Adult Probation Community Service, and getting all the apartment buildings involved in crime free multi-housing.

Ms. Mesiner added since the five neighborhoods had come together as a coalition in 2001, they had reduced violent crime by forty-three percent in their coalition. They were trying very hard, and another license in a super-saturated area would make those efforts all the more harder. She said she was present speaking for the residents of the 29<sup>th</sup> Street Corridor, to ask the Mayor and Council to help protect their neighborhoods, recognize the extreme saturation of their neighborhoods with liquor sales, and urged them to vote against the new liquor license application.

Harvey Encinas, representing Luz Southside Coalition, said his job as an Environmental Prevention Coordinator was to reduce substance abuse problems like underage drinking on the south side of Tucson. He said he was present to share the Coalition's concerns about adding another liquor license to an already over-saturated area of licensed alcohol vending establishments. They clearly knew the availability of alcohol was a major predictor of the occurrence of violent crimes such as domestic violence, rape and murder.

Mr. Encinas said they were also concerned with the amounts of alcohol advertisements that promoted underage drinking. He commented research showed that increase in alcohol ads led to an increase in underage drinking. They protested R & D Union because the corner was in their children's path to and from two parks, the Boys

and Girls Club, Naylor Middle School, Myers Elementary, and Roberts Elementary. He said there were also about fifty existing liquor licenses in that area.

Mr. Encinas reiterated there was an over-saturation of liquor licenses in the area. There were four convenience stores selling liquor within a half a mile site; 7-Eleven at Swan and Twenty-Second Street, 7-Eleven at Columbus and Twenty-Ninth Street, Quik Mart at Twenty-Ninth Street and Craycroft, and Diamond Shamrock at Twenty-Ninth Street and Craycroft. He said there was also Quik Trip who had applied for a liquor license on Twenty-Ninth and Craycroft. He stated there were twenty liquor licenses within a one square mile radius, and urged the Mayor and Council to deny the R & D Union's application for a liquor license.

Diane Campbell, representing Alvernon Heights and 29-2C, said they were taking the position that they were over-saturated with current liquor licenses. She said they meant no harm to the business, but because the area was so saturated, they were asking the Mayor and Council to deny the application.

Council Member Leal said the area had worked for a very long time and courageously took the bit between their teeth for a daunting task that many thought was too steep to gain ground on. He said the neighborhoods mentioned did not only gain ground, but had been a model to show neighbors in other parts of town that great things were possible even when they seemed like they were not. He said all the problems were not the result of liquor stores; there was a large collection of problems the coalition took on.

Council Member Leal said one issue was saturation, as was stated by a number of speakers. There was a remarkable number of licenses; and as many felt, it created a skidrow atmosphere and a climate for dis-investment. He added that meant other kinds of businesses stayed away, and made the neighborhood unsustainable, when there was no convenient adjacent retail establishment. On the other side, to get a new license, the applicant had to show that convenience would be created. He said it was harder to prove that convenience did not exist, because there were so many liquor licenses everywhere. He concluded by stating the granting of an additional license would solve a problem that did not exist, which was a lack of convenience. Therefore, in the interest of balance, and in the interest of statistical data that reflected conditions speakers spoke about, he recommended that the license not be granted.

It was moved by Council Member Leal, duly seconded, to forward liquor license application 5b8 to the Arizona State Liquor Board with a recommendation for denial.

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

Nay: None

Absent/Excused: Council Member Glassman

The motion to forward liquor license application 5b8 to the Arizona State Liquor Board with a recommendation for denial was carried by a roll call vote of 6 to 0.

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

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

- a. Tyler Robbins spoke in support of the name change of his neighborhood park from Don Hummel Park to Limberlost Family Park and also thanked the Mayor and Council Member Uhlich for their Back to Basics money for the new playground equipment.
- b. Ciara Upson, fourth grade student at Prince Elementary School, spoke in support of the name change of their neighborhood park from Don Hummel Park to Limberlost Family Park.
- c. Ed Verburg spoke regarding the Broken Springs Trail and recognized the leadership of the local government relating to natural resources.
- d. Kurt Luscombe spoke in opposition to extending the water line referred to as the Broken Springs Trail, LLC, as it would bring more development to the area.
- e. Don Foster spoke about his investigative work on industries, and gave suggestions for various budget issues facing Tucson.
- f. Konstantina Mahlia spoke in opposition to the City's unfair rental rate given to the Historic Train Depot.
- g. Joe Sweeney spoke about remedies to resolve immigration issues facing the community, and 287(g) status.
- h. David Densmore spoke in support of the zoning change for the corner of Valencia Road and Nogales Highway, to allow the Circle K Store to be built.
- i. Jody Gibbs spoke in opposition of the Downtown Tucson Partnership and urged the Mayor and Council not to enter into any further contracts with them.

- j. Bill Risner spoke in opposition to an agreement with the Downtown Tucson Partnership.
- k. Alan Shimato spoke about the success of the Santa Rita Skateboard Park and in opposition to permitting bicycles at the facility.
- l. Joe Root spoke in opposition to the zoning change for the corner of Valencia Road and Nogales Highway.

## **7. CONSENT AGENDA – ITEMS A THROUGH HH**

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

- A. HUMAN RESOURCES: TIME EXTENSION REQUEST REGARDING MANDATORY RETIREMENT FOR LIEUTENANT MICHAEL LARA
  - 1. Report from City Manager AUG5-09-397 CITY-WIDE
  - 2. Approval of Lieutenant Lara’s request for the first one-year extension of five potential extensions in accordance with Tucson City Code Section 10-15 is recommended.
- B. PARKS AND RECREATION: RENAMING DON HUMMEL PARK THE “LIMBERLOST FAMILY PARK”
  - 1. Report from City Manager AUG5-09-398 WARD 3
  - 2. Resolution No. 21347 relating to parks and recreation; authorizing and approving the renaming of Don Hummel Park to “Limberlost Family Park”; and declaring an emergency.
- C. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE WEEKEND BUS SERVICE EXPANSION PROJECT
  - 1. Report from City Manager AUG5-09-399 CITY-WIDE AND OUTSIDE CITY
  - 2. Resolution No. 21348 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for Weekend Bus Service Expansion; and declaring an emergency.

- D. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE BUS FREQUENCY AND AREA EXPANSION PROJECT
1. Report from City Manager AUG5-09-400 CITY-WIDE AND OUTSIDE CITY
  2. Resolution No. 21349 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for Bus Frequency and Area Expansion (Overcrowding Relief-Plugs); and improvements; and declaring an emergency.
- E. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR WEEKDAY EVENING BUS SERVICE EXPANSION
1. Report from City Manager AUG5-09-401 CITY-WIDE AND OUTSIDE CITY
  2. Resolution No. 21350 relating to Intergovernmental Agreements; approving and authorizing execution of Amendment No. 1 to the Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for Weekday Evening Bus Service Expansion; and declaring an emergency.
- F. SURPLUS PROPERTY: DONATION OF NINE MODEL YEAR 2003 SUN VAN VEHICLES TO THE REGIONAL TRANSPORTATION AUTHORITY
1. Report from City Manager AUG5-09-402 CITY-WIDE
- G. APPROVAL OF MINUTES
1. Report from City Manager AUG5-09-403 CITY-WIDE
  2. Approval of minutes for the regular meeting of the Mayor and Council held on April 14, 2009.
- H. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH TUCSON YOUTH COLLECTIVE, INC. FOR SPACE LOCATED AT 191 EAST TOOLE AVENUE
1. Report from City Manager AUG5-09-407 WARD 6
  2. Ordinance No. 10695 relating to real property; authorizing and approving the Lease Agreement between the City of Tucson and Tucson Youth Collective, Inc. (d/b/a Skrappy's) for space located at 191 East Toole Avenue; and declaring an emergency.

- I. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR THE VAN TRAN PARATRANSIT SERVICE EXPANSION PROJECT
1. Report from City Manager AUG5-09-404 CITY-WIDE & OUTSIDE CITY
  2. Resolution No. 21352 relating to Transportation; authorizing and approving Amendment No. 1 to the Intergovernmental Agreement for Transportation Funding between the Regional Transportation Authority of Pima County and the City of Tucson for Regional Transit Service Improvements: Project 47-Special Needs Transit for Elderly and Disabled Citizens-Van Tran Paratransit Service; and declaring an emergency.
- J. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR EXPRESS BUS SERVICE EXPANSION IMPROVEMENTS
1. Report from City Manager AUG5-09-405 CITY-WIDE AND OUTSIDE CITY
  2. Resolution No. 21351 relating to Intergovernmental Agreements; authorizing and approving the execution of Amendment No. 1 to the Intergovernmental Agreement for Transportation Funding between the Regional Transportation Authority of Pima County and the City of Tucson for Regional Transit Service Improvements: Project 49 – Express Bus Service Expansion Improvements; and declaring an emergency.
- K. TUCSON CODE: AMENDING (CHAPTER 22) CITY OF TUCSON EMPLOYEES' SUPPLEMENTAL RETIREMENT SYSTEM REGARDING PENSION ADJUSTMENT IN COMPENSATION AND ACCRUED SERVICE
1. Report from City Manager AUG5-09-409 CITY-WIDE
  2. Ordinance No. 10696 relating to Tucson Supplemental Retirement System; amending the Tucson Code, Chapter 22, Pensions, Retirement, Group Insurance, Leave Benefits and other Insurance Benefits, Article III, Division 1 Types of Retirement and Benefits, Section 22-30, Definitions; Section 22-36 Accumulation of Credited Service; Section 22-39, Disability Retirement; Section 22-40 Death Benefits, and declaring an emergency.
- L. TRANSPORTATION: ACQUISITION OF RIGHT-OF-WAY FOR THE REGIONAL TRANSPORTATION AUTHORITY BUS PULLOUT AT ALVERNON WAY AND FIFTH STREET
1. Report from City Manager AUG5-09-410 WARD 6

2. Resolution No. 21353 relating to transportation; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property needed for Regional Transportation Authority (RTA) Bus Pullout at Alvernon Way and Fifth Street; and declaring an emergency.
- M. ELECTIONS: DESIGNATING POLLING PLACES AND APPOINTING ELECTION BOARDS FOR THE CITY ELECTION TO BE HELD SEPTEMBER 1, 2009
1. Report from City Manager AUG5-09-412 CITY-WIDE
  2. Resolution No. 21354 relating to elections; designating the polling places where votes may be cast in the City of Tucson's September 1, 2009, Primary Election; listing precincts combined for the Primary Election, with one designated polling place within their combined precinct boundaries; listing precincts combined for the Primary Election but having no suitable polling place available within their combined precinct boundaries and, therefore, having one designated polling place outside their combined precinct boundaries in an adjacent precinct; and declaring an emergency.
  3. Resolution No. 21355 relating to elections; appointing officials who will serve as members of the precinct election boards, early ballot processing boards, and other election boards required for the City of Tucson's September 1, 2009, Primary Election; and declaring an emergency.
- N. REAL PROPERTY: VACATION AND EXCHANGE OF RIGHT OF WAY AND OTHER REAL PROPERTY INTERESTS WITH SUNBELT STORES CO. LIMITED PARTNERSHIP IN RETURN FOR PARK LAND
1. Report from City Manager AUG5-09-413 WARD 6
  2. Ordinance No. 10697 relating to real property; vacating and declaring certain City-owned real property in the vicinity of the Arcadia Wash, west of Beverly Avenue, to be surplus; authorizing the exchange thereof and the conveyance of other interests in City-owned real property to Sunbelt Stores Co. Limited Partnership, as part of an Offer to Exchange Real Property Agreement, in return for park land and other real property interests; and declaring an emergency.
- O. ASSURANCE AGREEMENT AND FINAL PLAT: (S06-221) BARRIO ARROYO (R.C.P.), LOTS 1 TO 106, AND COMMON AREAS "A" AND "B"
1. Report from City Manager AUG5-09-414 WARD 2
  2. Resolution No. 21356 relating to Planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements and approving the final plat in Case No. S06-221, Barrio Arroyo (R.C.P.) Lots 1-106, Common Areas "A" and "B"; and declaring an emergency.

3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- P. TRANSPORTATION: AGREEMENT TO EXCHANGE CITY-OWNED REAL PROPERTY WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR PROPERTY LOCATED IN THE HISTORIC WAREHOUSE DISTRICT
1. Report from City Manager AUG5-09-417 WARDS 1 AND 6
  2. Ordinance No. 10698 relating to transportation; authorizing and approving an Agreement between the City of Tucson and the Arizona Department of Transportation to exchange City-owned real property known as the “South Yard Drill Track,” located on the westbound I-10 Frontage Road, in return for real property owned by the Arizona Department of Transportation located at 101 West 6<sup>th</sup> Street and 191 and 197 East Toole Avenue; and declaring an emergency.
- Q. TRANSPORTATION: ACCEPTANCE OF EASEMENTS FROM THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR PROPERTIES NECESSARY FOR THE DOWNTOWN LINKS ALIGNMENT
1. Report from City Manager AUG5-09-416 WARDS 1 AND 6
  2. Ordinance No. 10699 relating to transportation; authorizing the City Manager to accept easements from the Arizona Department of Transportation for properties necessary for the Downtown Links Project; and declaring an emergency.
- R. BOARDS, COMMITTEES AND COMMISSIONS: CREATING THE KOLB/SABINO CANYON ROAD CONNECTION TASK FORCE
1. Report from City Manager AUG5-09-421 WARD 2
  2. Resolution No. 21357 relating to Boards and Commissions; creating the Kolb/Sabino Canyon Road Connection Task Force; and declaring an emergency.

This item was considered separately at the request of Council Member Scott.

- S. BOARDS, COMMITTEES AND COMMISSIONS: EXPANSION OF THE MEMBERSHIP OF THE TRANSIT TASK FORCE
1. Report from City Manager AUG5-09-420 CITY-WIDE
  2. Resolution No. 21358 relating to boards and commissions; adding to the Transit Task Force four members appointed by the Citizen’s Transportation Advisory Committee (CTAC) from its own Transit Subcommittee; amending Section 3 of Resolution 21023; and declaring an emergency.

This item was continued to a meeting in September at the request of staff.



- T. TRANSPORTATION: AUTHORIZATION FOR THE TRANSPORTATION DEPARTMENT TO SUBMIT FEDERAL TRANSPORTATION ENHANCEMENT PROJECT PROPOSALS
1. Report from City Manager AUG5-09-422 CITY-WIDE
  2. Resolution No. 21359 relating to Transportation; authorizing the Director of the City of Tucson Department of Transportation to submit and sponsor five (5) Federal SAFETEA-LU Transportation Enhancement Project Proposals to the Arizona Department of Transportation Review Committee, to expend local matching funds in the event of approval, to expend funding for project-related fees and services, to reimburse for Federal funds expended in the event of cancellation, to advertise approved projects within three (3) years; and declaring an emergency.
- U. BOARDS, COMMITTEES, AND COMMISSIONS: EXTENDING THE TERM OF SERVICE FOR THE DOWNTOWN LINKS CITIZEN ADVISORY COMMITTEE
1. Report from City Manager AUG5-09-423 WARDS 1 AND 6
  2. Resolution No. 21360 relating to Boards and Commissions; amending Resolution No. 20171 to extend the term of the Downtown Links Citizen Advisory Committee; and declaring an emergency.
- V. ASSURANCE AGREEMENT AND FINAL PLAT: (S08-119) PLACITA QUIROZ, LOTS 1 TO 5
1. Report from City Manager AUG5-09-425 WARD 1
  2. Resolution No. 21361 relating to Planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements and approving the final plat in Case No. S08-119, Placita Quiroz, Lots 1-5; and declaring an emergency.
  3. Staff recommends that the Mayor and Council approve the assurance agreement and the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- W. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR DRUG CONTROL AND SYSTEM IMPROVEMENT
1. Report from City Manager AUG5-09-406 CITY-WIDE

2. Resolution No. 21362 relating to grants; approving and authorizing execution of a Drug Enforcement Grant Agreement with the Arizona Criminal Justice Commission (ACJC) for Drug Control and System Improvement for Fiscal Year 2010 and declaring an emergency.
- X. REAL PROPERTY: ACQUISITION OF WATER EASEMENTS FOR REPLACEMENT OF THE SANDARIO ROAD TRANSMISSION MAIN
1. Report from City Manager AUG5-09-424 OUTSIDE CITY
  2. Resolution No. 21363 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, water pipeline easements necessary to replace a 36-inch Sandario Road transmission main located in Avra Valley, along the west side of Sandario Road north of the Tucson-Ajo Highway; and declaring an emergency.
- Y. INTERGOVERNMENTAL AGREEMENTS: WITH THE STATE OF ARIZONA FOR ROADWAY IMPROVEMENT PROJECTS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
1. Report from City Manager AUG5-09-427 CITY-WIDE
  2. Resolution No. 21364 relating to Intergovernmental Agreements; authorizing and approving the execution of three Intergovernmental Agreements between the City of Tucson and the State of Arizona for various American Recovery and Reinvestment Act of 2009 (ARRA 2009) projects; and declaring an emergency.
- Z. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH EASTSIDE ASSEMBLY OF GOD INC.
1. Report from City Manager AUG5-09-408 OUTSIDE CITY
  2. Resolution No. 21365 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Eastside Assembly of God Inc.; and declaring an emergency.
- Note: if annexed, area would be in Ward 4
- AA. FINANCIAL PARTICIPATION AND INTERGOVERNMENTAL AGREEMENTS: WITH VARIOUS OUTSIDE AGENCIES
1. Report from City Manager AUG5-09-429 CITY-WIDE

2. Resolution No. 21366 relating to outside agency activities; authorizing and approving the Financial Participation Agreements between the City of Tucson and various outside agencies and the Intergovernmental Agreements between the City of Tucson and Pima County for Fiscal Year 2010; and declaring an emergency.

BB. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE INCARCERATION OF CITY PRISONERS

1. Report from City Manager AUG5-09-430 CITY-WIDE
2. Resolution No. 21367 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the incarceration of City Prisoners for Fiscal Year 2010; and declaring an emergency.

This item was considered separately at the request of Council Member Leal.

CC. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY AND THE ARIZONA ATTORNEY GENERAL FOR THE OPERATION OF THE ELDER ABUSE TASK FORCE AND REPEALING RESOLUTION 21193

1. Report from City Manager AUG5-09-426 CITY-WIDE
2. Resolution No. 21368 relating to Intergovernmental Agreements; repealing Resolution No. 21193 and authorizing and approving the execution of the second amendment to the Intergovernmental Agreement between the City of Tucson, Pima County, and the Arizona Office of the Attorney General for the operation of the Elder Abuse Task Force; and declaring an emergency.

DD. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR THE NEIGHBORHOOD CIRCULATOR BUS SYSTEMS PROJECT

1. Report from City Manager AUG5-09-433 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 21370 relating to Transportation; authorizing and approving the Intergovernmental Agreement for Transportation Funding, between the Regional Transportation Authority of Pima County and the City of Tucson for the Neighborhood Circulator Bus Systems Project; and declaring an emergency.

EE. REAL PROPERTY: APPROVING SECOND AMENDMENT TO THE LEASE AGREEMENT WITH LP&G, INC. FOR PROPERTY LOCATED IN THE HISTORIC DEPOT

1. Report from City Manager AUG5-09-431 WARD 6

2. Ordinance No. 10704 relating to real property; authorizing and approving the Second Amendment to the Lease Agreement with L P & G, Inc. located in the Historic Depot at 400 North Toole Avenue, Suite 280; and declaring an emergency.
- FF. AGREEMENT: WITH PIMA COUNTY FOR GRANTS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT NEIGHBORHOOD STABILIZATION PROGRAM 2
1. Report from City Manager AUG5-09-434(2) CITY-WIDE
  2. Resolution No. 21371 relating to public housing; authorizing the execution of the Consortium Agreement between Pima County and the City of Tucson, Southern Arizona Land Trust Inc., Community Investment Corporation, Primavera Foundation, Inc., Habitat for Humanity, Tucson, Inc., Family Housing Resources, Inc., Chicanos Por La Causa, Inc., and Old Pueblo Community Services for application for NSP2 funds; and declaring an emergency.
- GG. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT AMENDMENT: WITH RAYTHEON MISSILE SYSTEMS
1. Report from City Manager AUG5-09-435(2) WARD 5
  2. Resolution No. 21373 relating to annexation; authorizing the Mayor to execute a First Amendment to the Pre-Annexation Agreement between the City of Tucson and Raytheon Missile Systems, Tucson, AZ on behalf of the City of Tucson; authorizing the Fire Chief to execute the Automatic Aid Agreement with Raytheon; and declaring an emergency.
- This item was considered separately at the request of staff.
- HH. ELECTIONS: CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2009
1. Report from City Manager AUG5-09-436(2) CITY-WIDE
  2. Ordinance No. 10705 relating to elections; pursuant to Article XIII, Section 2 of the Arizona Constitution and to Chapter IV, Section 1(20), Chapter XVI, Section 6, and Chapter XIX of the Charter of the City of Tucson, calling a special election to be held on November 3, 2009, for the purpose of submitting to the City's qualified electors a question submitted through initiative petition number 2009-I001, relating to amending the Charter by adding a new Section 5 to Chapter XVIII, Setting Mandatory Minimum Staffing Levels for Police Officers Based on City Population, Adopting Mandatory Minimum Response Times for the Tucson Fire Department, and Requiring Maintenance of Fire Department Staffing Levels as Needed to Achieve Those Mandatory Minimum Response Times; and declaring an emergency.

It was moved by Vice Mayor Romero, duly seconded, that Consent Agenda Items A through HH, with the exception of Items R, BB, and GG, which were considered separately, and Item S, which was continued, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Glassman

Consent Agenda Items A through HH, with the exception of Items R, BB, and GG, which were considered separately, and Item S, which was continued, were declared passed and adopted by a roll call vote of 6 to 0.

## **7. CONSENT AGENDA – ITEM R**

### **R. BOARDS, COMMITTEES AND COMMISSIONS: CREATING THE KOLB/SABINO CANYON ROAD CONNECTION TASK FORCE**

1. Report from City Manager AUG5-09-421 WARD 2
2. Resolution No. 21357 relating to Boards and Commissions; creating the Kolb/Sabino Canyon Road Connection Task Force; and declaring an emergency.

Roger W. Randolph, City Clerk, announced the first item to be considered separately was Item R, at the request of Council Member Scott.

Council Member Scott said she received a request from a Ward 4 constituent who asked to be admitted to this committee. She asked that Michael Tone be added to the roster for this committee as a participant.

Andrew Singelakis, Transportation Deputy Director, suggested the regional interest representative could be one that was not appointed with the recommendation from Ward 2. He said the other appointments were from the Transportation Director, with the recommendation from Ward 2, except for the Citizens Transportation Advisory Committee (CTAC) representative. He said perhaps the regional representative could be the one made with the recommendation of Ward 4.

Council Member Scott said she appreciated that, and asked that the Mayor and Council honor the request by Michael Tone to be included as a participant.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Item R, with the amendment to include Michael Tone as a representative, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Glassman

Consent Agenda Item R, with the amendment to include Michael Tone as the representative to the Kolb/Sabino Canyon Road Connection Task Force, was declared passed and adopted by a roll call vote of 6 to 0.

## **7. CONSENT AGENDA – ITEM BB**

### **BB. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE INCARCERATION OF CITY PRISONERS**

1. Report from City Manager AUG5-09-430 CITY-WIDE
2. Resolution No. 21367 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the incarceration of City Prisoners for Fiscal Year 2010; and declaring an emergency.

Roger W. Randolph, City Clerk, announced this item was being considered separately at the request of Council Member Leal, to allow him to recuse himself from the vote on the item due to a conflict of interest. He also announced this item would not be approved with the emergency clause, and would therefore take effect in thirty days.

Michael Rankin, City Attorney, explained that Council Member Leal inquired with respect to the application of conflict of interest laws, and it was suggested he recuse himself from participating in the vote.

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

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Glassman

Consent Agenda Item BB was declared passed and adopted by a roll call vote of 5 to 0 (Council Member Leal recused.)

## **7. CONSENT AGENDA – ITEM GG**

### **GG. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT AMENDMENT: WITH RAYTHEON MISSILE SYSTEMS**

1. Report from City Manager AUG5-09-435(2) WARD 5
2. Resolution No. 21373 relating to annexation; authorizing the Mayor to execute a First Amendment to the Pre-Annexation Agreement between the City of Tucson and Raytheon Missile Systems, Tucson, AZ on behalf of the City of Tucson; authorizing the Fire Chief to execute the Automatic Aid Agreement with Raytheon; and declaring an emergency.

Roger W. Randolph, City Clerk, announced this item was being considered separately at the request of the City Attorney, who had information on the item.

Michael Rankin, City Attorney, said as mentioned during Study Session, there were changes made to the document as it was finalized. The changes were not included in the item as presented to the Mayor and Council, as the changes occurred after the item was distributed. He read the changes for the record, so that the Mayor and Council would be aware of all the contents of the agreement.

Mr. Rankin read the first change was on page 4, subparagraph 7, under Section 2.1. New language was added to specify public safety projects would be within the scope of eligible projects for expenditures from the reserve account, created under this agreement. He said the section now read, "...other capital improvements, operational costs or projects, including public safety projects which benefit both parties."

Mr. Rankin said the second change was with respect to Section 2.2, on page 5, which dealt with the calculation of credits towards the deposits into the annexation account, attributable to the City's annexation of Raytheon's Rita facility. He said the

change was to adjust the amount of the credit to be fifty thousand dollars for the fiscal year commencing July 1, 2014, and for each subsequent fiscal year until the earlier of July 1, 2020, or termination of the first amendment.

Council Member Scott said this was a pre-annexation agreement with Raytheon Missile Systems, between the City of Tucson and Raytheon. She complimented the fifteen individuals within the City, who worked diligently on the agreement over the last eighteen months to make it happen. She said these types of agreements did not happen as a matter of routine. It was being presented to the Mayor and Council as a matter of routine housekeeping; but there had been a lot of work, and a lot of meetings. She thanked those fifteen individuals and acknowledged them for their hard effort, and the eighteen months it took for the document to come before the Mayor and Council.

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

Mayor Walkup directed comments to Council Member Leal. He reflected back to 1994, when he was on the other side of the fence. At that time, under consideration was the movement of three thousand engineers out of Canoga Park. He remembered speaking to Mayor George Miller, at that time, and the Council took significant actions to assist those engineers' move to Tucson. As a result, the agreement was made. Mayor Walkup said the Council at that time said they would invest in this enterprise, but wanted some recognition for Tucson. However, he said it was not until 2001, during the annexation of the southlands that put Raytheon contiguous to the City, that they had the opportunity to move forward. He said there was a lot of wisdom exercised in those days, and it took a while to get here. Mayor Walkup said the City's largest employer that employed close to twelve thousand people was now part of the City of Tucson. He thanked all the Raytheon employees who worked all those years, and also the members of the Council back in the mid-90's who had the wisdom to make that condition.

Council Member Leal said it was always an argument to convince people that performance criteria and accountability were good. This was an example where the Council, at the time, added the condition. He said there were some that did not approve of the condition, and referred to the fruit it would now bear. He appreciated Mayor Walkup for remembering the past. Council Member Leal said he also wanted to single out Byron Howard, Special Projects Manager, because he knew the clock was running out on the deal, and knew it would evaporate if it was put off too long. He said there was too much at stake. He thanked the City Manager and City staff for bringing it all together.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.



Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Glassman

Consent Agenda Item GG was declared passed and adopted by a roll call vote of 6 to 0.

## **8. PLANNING: ADOPTION OF A GREEN BUILDING PROGRAM**

Mayor Walkup announced City Manager's communication number 432, dated August 5, 2009, was received into and made part of the record. He asked the City Clerk to read Resolution 21369 by number and title only.

Resolution No. 21369 relating to sustainable energy standards; authorizing and approving a voluntary City of Tucson Green Building Program by adopting the Residential Green Building Rating System and Southern Arizona Regional Residential Green Building Standard applicable to construction of new single family, duplex and triplex homes; and declaring an emergency.

Mayor Walkup called on a representative from the Southern Arizona Home Builders' Association (SAHBA) to say a few words.

Dave Godlewski, SAHBA Government Liaison, thanked the Mayor and Council for allowing him the opportunity to speak. He thanked Ernie Duarte, Planning and Development Services Director, and others for their hard work and contributions to the project. He said the SABHA had a long history in supporting green and sustainable buildings. He added some of their members were true green building pioneers, who had served the community for more than a decade.

Mr. Godlewski stated, last fall, the SAHBA Green Build Council and in Pima County Development Services won a Common and Ground Award for the joint efforts to create a Voluntary Residential Green Build Program in Pima County. Since winning the award, the Council worked diligently to promote green building, and to encourage other jurisdictions in Southern Arizona to mirror what Pima County had done with their Voluntary Residential Green Build Program. He said they believed a Regional Voluntary and Uniform Green Building Program, complimented with a public education campaign, would help their builder members understand there was a set of standards from which they could build to, and would also spark consumer demand for green and sustainable homes.

Mr. Godlewski said they were pleased that the City of Tucson took the step towards a true Regional Green Building Program. He urged the Mayor and Council to adopt Resolution 21369. He said it was their hope that the City of Tucson continued to work with the SAHBA Green Build Council, as well as with other jurisdictions, in this effort in achieving the goal of a truly Regional Green Building Program and Educational Campaign.

Vice Mayor Romero thanked Mr. Godlewski. She said this issue was discussed in the Mayor and Council's Environment, Planning and Resource Management (EPRM) Subcommittee, which Council Members Uhlich, Scott, and Trasoff had participated in.

Council Member Trasoff said this was an important team effort, which began in EPRM, and they had been shepherding this for about a year and a half, with a lot of work. She echoed Mr. Godlewski's comments that it was an important step forward for the region. She said the continuity and consistency that this represented was something that would help everyone. She thanked Ernie Duarte, Planning and Development Services Department Director, and Rich Michal, project consultant, for their creativity, time and efforts put towards the project.

Council Member Trasoff said the project was developed in consideration of the National LEED Standards, Pima County's Green Building Program, and the National Home Builders' Association standards. She said it was important to note the City was working in conjunction with neighboring programs in an effort to have a seamless transition between jurisdictions. She said the City was not there yet, but this would bring them one step closer. She hoped the City, along with other jurisdictions, would adopt the Green Building Program and have it be in effect region-wide.

It was moved by Council Member Trasoff, duly seconded, that Resolution 21369 be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any further discussion.

Council Member Uhlich said, as noted, the EPRM Subcommittee worked with staff and stakeholders. She thanked Tamara Prime and Holly Lachowicz from the Ward 3 Council Office, who staffed the Committee and helped to see the program through.

Council Member Trasoff acknowledged Laura Burge from the Ward 6 Council Office, who also worked on the project, stating she deserved a tremendous amount of credit for that, as well.

Mayor Walkup asked for a roll call vote on the motion.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Glassman

Resolution 21369 was declared passed and adopted by a roll call vote of 6 to 0.

**9. ZONING: (C9-07-03) HSL PROPERTIES – PANTANO ROAD, SR TO P, TIME EXTENSION AND ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 415, dated August 5, 2009, was received into and made part of the record. He asked the City Clerk to read Ordinance 10702, by number and title only.

Ordinance No. 10702 relating to zoning: amending Ordinance No. 10662 to extend the period of compliance from August 5, 2009 to February 5, 2010, for the area located on the west side of Pantano Road, extending from approximately 500 to 1100 feet south of Escalante Road in Case C9-07-03, HSL Properties – Pantano Road, SR to P; and declaring an emergency.

Roger Randolph, City Clerk, announced a three-fourths majority vote was necessary to adopt the ordinance.

It was moved by Council Member Scott, duly seconded, that Ordinance 10702 be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Glassman

Ordinance 10702 was declared passed and adopted by a roll call vote of 6 to 0.

**10. ANNEXATION: RAYTHEON ANNEXATION DISTRICT, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 437, dated August 5, 2009, was received into and made part of the record. He asked the City Clerk to read Ordinance 10689 by number and title only.

Ordinance No. 10689 relating to annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing thereto the Raytheon Annexation District Property located at Pima County, Arizona, more particularly described in the body of this Ordinance; and establishing original City zoning classifications for the annexation area.

It was moved by Council Member Leal, duly seconded, that Ordinance 10689 be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Glassman

Ordinance 10689 was declared passed and adopted by a roll call vote of 6 to 0.

**11. AGREEMENT: WITH THE DOWNTOWN TUCSON PARTNERSHIP FOR CONSULTANT SERVICES**

Mayor Walkup announced the City Manager wanted to comment on this item before proceeding on the item.

Mike Letcher, City Manager, said they received a request from the Downtown Tucson Partnership to continue this item for at least one month, to allow them time to further discuss and negotiate the terms of the agreement. He asked that the item be delayed for at least thirty days.

Mayor Walkup asked the City Attorney if the item required any action by the Mayor and Council to continue it for at least one month.

Michael Rankin, City Attorney, replied action was required only if the Mayor and Council disagreed with the request. He said absent any objections, they would bring the agreement back to the Mayor and Council when it was ready for their consideration.

**12. TUCSON CODE: AMENDING (CHAPTER 28) REGARDING THE MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE PROGRAM**

Mayor Walkup announced City Manager's communication number 411, dated August 5, 2009, was received into and made part of the record. He asked the City Clerk to read Ordinance 10703 by number and title only.

Ordinance No. 10703 relating to procurement; amending Chapter 28, Article XIII, Minority and Women-owned Business Enterprise Program Section 28-147, Definitions; Section 28-149, Establishment of S/M/WBE Program Goals for Professional Design, Construction, and Construction Services Projects; Section 28-150, S/M/WBE Plans for Eligible Projects; and Section 28-151, Applicability to Procurement of Goods, Materials and Services; and declaring an emergency.

Council Member Leal said some time ago, the City and County moved forward to create and expand the Minority and Women-Owned Business Enterprise Program. He could not remember when he put the item on the agenda, but thought it was some time between 1994 to 1996. The City went through a couple of reiterations since then, and a lot of minutia, sometimes just holding their own trying to keep it from degrading. He emphasized the huge changes in the ordinance this time, and said the recommended criteria in the ordinance would make a huge difference to the local economy. He said the changes would have a positive affect in good economic times and an amazing affect in current times, in terms of creating more quality and growing a common wealth in Tucson.

Council Member Leal thanked Vice Mayor Romero and Council Member Scott on the Subcommittee; Liana Perez, Office of Equal Opportunity Programs and Independent Police Review Program Director, and Mark Neihart, Procurement Director; and their staff for their hard work. He said it was always tedious, but the challenge was not to lose goodwill toward each other, and to not have imaginations shrink back to where they quit thinking. He said no one did that. He said the fruit that came from that was the amazing ordinance before the Council. In comparing this ordinance with the old one, this ordinance would be a profound difference in the local economy, and in the lives of many families.

Council Member Leal complimented the City Manager for allowing his staff to be creative and to think outside of the box and thanked all those who participated in this project.

It was moved by Council Member Leal, duly seconded, that Ordinance 10703 be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion.

Liana Perez, Office of Equal Opportunity Programs and Independent Police Review Program Director, stated the Mayor and Council adopted the ordinance in February after a disparity study. She said they knew they would be coming back with changes, but did not want to lose the opportunity to continue with the construction area, which they already had in place. She said, within the few five months the Mayor and Council adopted the ordinance, they continued with their commitment to hold certification workshops. They held nine workshops in the past five months, with over one hundred fifty participants, increased their availability number, and had more on schedule. With the ordinance changes adopted back in February, they did not have one single waiver request, which allowed them to go forward with developing the Small Business Enterprise Program.

Ms. Perez said that was what their focus was on, with the proposed changes for the A & E, the professional services and business services. She added it had truly been an effort of partnership, not only with the community stakeholder groups, but the businesses they needed to do business with, and with their counterparts in Procurement.

Mark Neihart, Procurement Director, added this was the third generation disparity study for him. This particular study was very transparent, involved a number of stakeholder groups and very participated. He concurred that this ordinance would be very effective, having positive benefits for the local business community. He thanked Council Member Leal, all the EPRM Subcommittee Members for their work, Mike Letcher, City Manager, Liana Perez and her staff. He said it was a great experience and it had been a long time in the coming; but he felt they had a very effective ordinance before the Mayor and Council.

Vice Mayor Romero echoed Council Member Leal's comments. She said Ms. Perez, Mr. Neihart, and their staff had been excellent to work with, and it was amazing to have more than one hundred fifty people in the certification process. She said the ordinance would add not only minority and women-owned businesses, but also small business owners, which would open the door to many small businesses in the local economy. She said she knew they had participated with a business round table, a six-month process they had in Ward 1; and really made the effort to listen to business owners in attendance and was sure they worked the same with the other Council Offices. She said she was happy and proud of the work that was done, and said this would be a significant difference in the investment that the City of Tucson would be doing in small business and how it would return back into the economy. She thanked them for their hard work.

Council Member Uhlich said this item came before the Mayor and Council in Study Session one month ago, but it was a very tight agenda. At that time Kimber Lanning from Local First was in attendance. Council Member Uhlich said, if Ms. Lanning had been given more of an opportunity to speak, she would have expressed real appreciation for the leadership of the Council Members on the Committee, the Mayor and Council, staff, and the stakeholder group.

Council Member Uhlich said she had no doubt this would serve as a model for other communities across the state, if not the country, in putting local businesses first and reviving an economy from the ground up. She thanked everyone for the great work and said she looked forward to even greater successes.

Council Member Leal added earlier in the evening's meeting, they spoke about community dialogue, and said some of the great ideas came from true small businesses and labor people. Coincidentally, he said, this was one of them.

Mike Letcher, City Manager, also commended Liana Perez and Mark Neihart, for a job well done.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Glassman

Ordinance 10703 was declared passed and adopted by a roll call vote of 6 to 0.

**13. ZONING: (C9-06-10) LLDN – VALENCIA ROAD, R-2 TO C-1 AND C-2, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 419, dated August 5, 2009, was received into and made part of the record. He asked the City Clerk to read Ordinance 10701 by number and title only.

Ordinance No. 10701 relating to zoning: amending zoning district boundaries in the area located at the southwest corner of Valencia Road and Nogales Highway in Case C9-06-10, LLDN – Valencia Road R-2 to C-1 and C-2; and setting an effective date.

Vice Mayor Romero asked if the applicant was present, and if they wanted to make any comments.

David Cisiewski, representing Circle K Corporation, stated the case before the Mayor and Council was very well articulated in the staff's report, and it was originally approved in January 2007. At that time, the proposed development plan featured a convenience store with the gasoline pumps facing toward Valencia Road, as well as two additional retail buildings, with the total building area of about nineteen thousand feet. The plan currently before the Mayor and Council, which had been reviewed and

approved by staff and was determined to meet all the zoning conditions set forth in 2007, featured the same convenience store orientation with the building's gasoline pumps facing Valencia Road, with one notable exception. The exception was that the overall commercial density proposed for the property was significantly reduced by about forty percent.

Mr. Cisiewski said the total building area on the proposed plan was approximately twelve thousand square feet, as opposed to the nineteen thousand square feet, considered under the original zoning case in 2007. He said some of those changes, as well as the relocation of some of the original proposed drives, were made in consideration of comments from staff, traffic analysis, and comments they received from neighbors. He referred to a comment made earlier during the Call to the Audience where the intersection had been a concern in terms of traffic issues.

Mr. Cisiewski said with the development that was going forward, they hoped those issues were remedied. Circle K was dedicating significant right of way, adding turn lanes, decel lanes, bus pull out bays, as well as dedicated bike lanes. He added the reoriented drives and the reduction of the commercial density he felt would remedy the situation. He concluded his comments stating they met all the conditions stipulated in the 2007 original approval, as well as the addition of the waiver requirement. In addition to those stipulated conditions, they also met conditions laid out in a letter from the Elvira Neighborhood Association in 2006, which asked for use restrictions or use limitations in terms of what type of uses would go on the property.

Mr. Cisiewski urged the Mayor and Council to approve the adoption of the ordinance to allow the project to go forward. This would bring property, which had been vacant for a long time, back into productive use for the City and the neighborhood. He said he would be available if the Mayor and Council had any questions, and asked for additional time if there were any questions or comments from the audience.

Vice Mayor Romero invited Carole Maluf, a representative of the Elvira Neighborhood Association, to speak.

Carole Maluf, thanked the Mayor and Council for the opportunity to speak on behalf of the Elvira Neighborhood Association. She said she was a life long neighbor of the area, a retired banker, mother of four, and had seven and one half grandchildren. She stated she was there as a representative on behalf of eight hundred plus people, herself included, as a neighbor in the community. She said they had all signed the petition to stop the rezoning and development of a Super Circle K, with expanded liquor items, on the southwest corner of Valencia Road and the Nogales Highway. She said most of the petition signers reside in the Elvira area. She added that only six people approached did not sign the petition. She asked the petition supporters present to stand and be acknowledged.

Ms. Maluf said they felt from their life experiences in the area, and the statistics showed the corner was already too heavily trafficked and congested due to the airport



industrial areas to the east, south, and in the neighborhood. She said the traffic population, with the school buses included, that traveled Valencia Road known as the east/west gateway route for the south side, averaged fifty-six traffic accidents per year during the last five years. During this half year alone, even with the cameras in place, the accident total was thirty-five. Ms. Maluf stated one of the petitioners, who was also a Sunnyside Board Member, told her that every year there was at least one school bus related accident at that corner. She also noted the intersection had a north/southbound railroad track, with an east/west crossing. She said the neighborhood did not need additional congestion caused by vehicles trying to egress or ingress at a Circle K at this corner.

Ms. Maluf commented on the issue of saturation, stating from that corner, a Circle K could be seen south on Nogales Highway and Teton, five blocks away. Looking west on Valencia Road on the other side, there was a Circle K two blocks away, and there were many additional Circle K's in the area. She added the ones in the near proximity were staying open. She urged the Mayor and Council to deny the rezoning and development request at this location.

Vice Mayor Romero asked Mr. Cisiewski if he wished to respond to Ms. Maluf's comments.

Mr. Cisiewski said he wanted to respond to the comment that there were a number of Circle K's in the area. He stated many Circle K projects had come before the Mayor and Council in the past month. Circle K organizations had been in Tucson for many years and had been very successful as a business. A few years ago, Circle K, as a brand, was acquired by a new corporate parent. The corporate parent had taken on the multi billion-dollar task of re-imaging this corporation. He said there were a variety of stores, and Circle Ks were a conglomeration of different convenient stores from over the years, which had been branded under a Circle K umbrella. Mr. Cisiewski said this project was part of a nationwide and Arizona region wide re-imaging of the Circle K brand, and the old stores were being phased out. He said the two stores specifically referenced were on lease agreements; and could not be closed simultaneously with the opening of the new store, because of the lease and operational commitments to landlords. As new projects were brought in, like the project at I-10 and 6<sup>th</sup> Avenue, the older stores would go away by attrition.

Mr. Cisiewski said, with respect to traffic concerns, he did not think anyone could argue that traffic at this intersection was an issue. He said the traffic requirements for the project, which staff put on them, were determined through a detailed traffic analysis. They were vetted, reviewed, discussed, and part of the issue was the change in the drive location from the original plan approved in 2007 to moving to the drive to the extreme western end of the property on Valencia Road, to pull traffic turning away from the intersection. He said the dedicated improvements would be required again, and would include the dedication of substantial right of way for deceleration lanes, and turn lanes, both on Nogales Highway, as well as Valencia Road.

Mr. Cisiewski added, as stipulated under stipulation nineteen of the original proposed zoning ordinance, required significant traffic signal improvements to that intersection, as part of the development. He said Circle K agreed to the improvements, and believed the required improvements would address the traffic issues. Again, and the fact that they had met all the conditions of the zoning ordinance established in 2007, he asked for Mayor and Council to approve the adoption of the zoning ordinance.

Vice Mayor Romero said in hearing the applicant and the neighborhood association, there were a couple reasons she would not support Ordinance 10701. The most important reason was the amount of signatures against the rezoning. She said in the year and a half she had been serving the residents of Ward 1, she never had such a response to a rezoning, which had more than eight hundred signatures against the rezoning. She said back in 2006 there were many protests, because of the amount of traffic accidents that occurred at Nogales Highway and Valencia Road. She referred to the many red light runners, stating she had documentation, more than twenty pages, of accidents that had occurred at that intersection. She also referred to the high crime in the area, stating the nature of the intended use would add crime to the highly residential area.

Vice Mayor Romero said the Mayor and Council's discretion was very clear that the authorization for a change of zoning was preliminary and did not in any way limit the legislative discretion of the Mayor and Council to determine whether or not to adopt a change of zoning ordinance.

It was moved by Vice Mayor Romero, duly seconded, to deny Ordinance 10701.

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

Nay: None

Absent/Excused: Council Member Glassman

Motion to deny Ordinance 10701 passed by a roll call vote of 6 to 0.

**14. ZONING: (C9-08-09) LOWE'S – SPEEDWAY, C-1 TO C-2, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 418, dated August 5, 2009, was received into and made part of the record. He asked the City Clerk to read Ordinance 10700 by number and title only.

Ordinance No. 10700 relating to zoning: amending zoning district boundaries in the area located at the northeast corner of Speedway Boulevard and Kolb Road in Case C9-08-09, Lowe's – Speedway, C-1 to C-2; and setting an effective date.

It was moved by Council Member Scott, duly seconded, that Ordinance 10700 be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he called for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Glassman

Ordinance 10700 was declared passed and adopted by a roll call vote of 6 to 0.

**15. REAL PROPERTY: SITE ACQUISITION FOR BROKEN SPRINGS TRAIL WATER BOOSTER STATION (CONTINUED FROM THE MEETING OF JANUARY 27, 2009)**

Mayor Walkup announced City Manager's communication number 428, dated August 5, 2009, was received into and made part of the record. He asked the City Clerk to read Resolution 21196 by number and title only.

Resolution No. 21196 relating to real property; authorizing the City Manager to acquire by negotiation certain real property located near the intersection of Broken Springs Trail and Camino del Cerro for a water booster station and related facilities; and declaring an emergency.

Vice Mayor Romero stated that ever since hearing from the Tucson Water Department about the site acquisition for Broken Spring Trails, they were sure to include surrounding neighbors and neighbors effected. Tucson Mountain Association was one of the groups they had been in contact with for the past six months, in terms of the information, meetings, and information dissemination about Broken Spring Trails. She said it was important to note that this was a project that had been grandfathered, to happen before the interim water policy was set. She said she believed in the interim water policy, and felt it should be the City's Water Policy, not an interim policy. She said it was also important to note that this booster station would also serve current Tucson Water residents and their quality of life issues in terms of fire protection to their homes.

It was moved by Vice Mayor Romero, duly seconded, that Resolution 21196 be passed and adopted and the proper action taken.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Glassman

Resolution 21196 was declared passed and adopted by a roll call vote of 6 to 0.

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

Mayor Walkup announced City Manager's communication number 396, dated August 5, 2009, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Uhlich, duly seconded, to appoint John L. Lupo to the Board of Appeals, Construction/Design Category, and Teri L. Davis to the Veterans' Affairs Committee, representing Associates of Vietnam Veterans of America.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Glassman

The motion to approve the appointment of John L. Lupo to the Board of Appeals, Construction/Design Category, and Teri L. Davis to the Veterans' Affairs Committee, representing Associates of Vietnam Veterans of America, was passed by a roll call vote of 6 to 0.

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

Vice Mayor Romero announced her personal appointment of Debra Chandler, as the Ward 1 representative to the Small Business Commission.

**17. ADJOURNMENT: 7:40 p.m.**

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Wednesday, September 9, 2009, 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 5th day of August 2009, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

RWR:sac:cs