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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on March 25, 2008

Date of Meeting: October 23, 2007

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 5:36 p.m. on Tuesday, October 23, 2007, all members having been notified of the time and place thereof.

### 1. ROLL CALL

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

Present:

Carol W. West	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Vice Mayor, Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent:

José J. Ibarra	Council Member Ward 1
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Staff Members Present:

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

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

The invocation was given by Draigg Phillips, City Clerk's office, after which the Pledge of Allegiance was led by Webelos, Den 4, Pack 185.

Presentations:

- a. Mayor Walkup presented a Certificate of Appreciation and Recognition to John Wesley Miller Companies. John Wesley Miller accepted the certificate.
- b. Mayor Walkup proclaimed October 21 through October 27, 2007, as "National Save for Retirement Week." Michael Hermanson, Finance Manager, Finance Department accepted the proclamation.
- c. Mayor Walkup presented a copper plaque for Evergreen Mortuary and Cemetery's 100th Anniversary. William Addison accepted the plaque. Students from Tucson Unified School District presented brief histories of the cemetery's occupants.

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

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

Mayor Walkup announced City Manager's communication number 583, dated October 23, 2007, was received into and made a 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. Council Member West announced a Town Hall would be held on October 24, 2007, at the Ward 2 office. The topics of discussion included changes Tucson Police Department had made, in particular, a planned expansion to the Eastside Police Station.

Council Member West also invited the public to a water harvesting tour on October 27, 2007.

- b. Council Member Uhlich announced a ceremony was recently held for the dedication of fitness and exercise equipment at La Madera Park. She thanked the Parks and Recreation Department staff, neighborhood leaders, and the Mayor for their efforts and contributions toward the project.
- c. Vice Mayor Scott announced a groundbreaking event for the newest segment of the Pantano River Park would be held on October 27, 2007, at Michael Perry Park.

Vice Mayor Scott also announced City staff facilitated and received a four hundred thousand dollar grant from the Arizona Water Protection Fund for the Atturbury Wash Restoration Project. She thanked all those involved in the grant preparation.

- d. Mayor Walkup announced Vice Mayor Scott was a finalist, selected by the Women in Municipal Government (WIMG), for the 2007 WIMG Leadership Award.

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

Mayor Walkup announced City Manager's communication number 584, dated October 23, 2007, was 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.

Michael Rankin, City Attorney, announced on November 7, 2007, Rogers Elementary School would hold a 50th anniversary celebration. He also wished his son, Connor, a happy birthday.

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

Mayor Walkup announced City Manager's communication number 597, dated October 23, 2007, was received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

- b. Liquor License Applications

##### **New License(s)**

- 1. Zona 78, Ward 2  
7301 E. Tanque Verde  
Applicant: Richard Paul Fink  
Series 12, City 73-07  
Action must be taken by: October 28, 2007  
Development Services has indicated the applicant is not in compliance with city requirements.  
Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.  
(Continued from the Mayor and Council Meeting of October 16, 2007.)
- 2. El Sabroso Oakwood Grille, Ward 1  
610 N. Grande Ave.  
Applicant: Mario Durazo Torres  
Series 12, City 74-07  
Action must be taken by: November 9, 2007  
Staff has indicated the applicant is in compliance with city requirements.

3. La Rancherita Restaurant, Ward 3  
3152 N. First Ave.  
Applicant: Juanita Potts  
Series 12, City 75-07  
Action must be taken by: November 5, 2007  
Staff has indicated the applicant is in compliance with city requirements.
4. Wal-Mart Neighborhood Market #4603, Ward 4  
5500 East 22nd Street  
Applicant: Clare Hollie Abel  
Series 10, City 76-07  
Action must be taken by: October 7, 2007  
Staff has indicated the applicant is in compliance with city requirements.
5. Central Park West, Canal Street Pizza & Egg Rolls Etc., Ward 3  
1800 E. Fort Lowell Rd. #136  
Applicant: Michael Kevin Reynolds  
Series 12, City 77-07  
Action must be taken by: November 11, 2007  
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event(s)

1. Salpointe Catholic High School, Ward 3  
1545 E. Copper St.  
Applicant: Marla J. Moreno  
City T93-07  
Date of Event: November 17, 2007  
(Fundraising)  
Staff has indicated the applicant is in compliance with city requirements.
2. Glassman Foundation, Ward 2  
6503 E. Tanque Verde  
Applicant: Don W. Haskell  
City T96-07  
Date of Event: November 4, 2007  
(Fundraiser for Local Children's Charities)  
Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

NOTE: There are no agent changes scheduled for this meeting.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Ibarra absent/excused), to forward liquor license applications 5b2 to 5b5, and 5c1 and 5c2 to the Arizona State Liquor Board with a recommendation for approval.

## 5. LIQUOR LICENSE APPLICATIONS

### b. Liquor License Applications

#### New License(s)

1. Zona 78, Ward 2  
7301 E. Tanque Verde  
Applicant: Richard Paul Fink  
Series 12, City 73-07  
Action must be taken by: October 28, 2007  
Development Services has indicated the applicant is not in compliance with city requirements.  
Tucson Police Department and Revenue have indicated the applicant is in compliance with city requirements.  
(Continued from the Mayor and Council Meeting of October 16, 2007.)

Kathleen S. Detrick, City Clerk, announced the application to be considered separately was Item 5b1, Zona 78, located in Ward 2.

Council Member West asked the applicant to explain what his plans were for Zona 78.

Richard Fink said this would be their second restaurant in Tucson. The first restaurant was located at 78 West River Road. The restaurant would be located on the east side of town in Ward 2. He stated they had their plans, had worked with the architects, and just recently reached this roadblock with the liquor license. He asked for Mayor and Council support to get them through it. This was a family restaurant with a ten seat bar out of a one hundred ninety seat restaurant. It was not a hangout for drinking. Seventy-five percent of their sales were from food and the rest was from beer, wine, and liquor sales. He said they felt it would be a great addition to the area.

Council Member West called on a representative from the Development Services Department (DSD) to explain why this applicant was not in compliance with City requirements.

Ernie Duarte, Director, Development Services Department, said he had the pleasure of meeting Mr. Fink the previous week in preparation for the meeting. He stated liquor licenses in C-1 zones required full notice procedure. Mr. Fink was currently going through that process and had ordered the mailing labels for the neighborhood notice mailing. A neighborhood meeting was scheduled for October 26, 2007. Mr. Duarte said his department would facilitate the decision process once that neighborhood and public comment period had been completed. At this time, it was a matter of going through those steps before a final decision could be rendered on this application.

Council Member West commented Mr. Fink was unaware of the new requirement in C-1 zoning. She strongly suggested, in the packets picked up for liquor licenses, a blanket statement be included stating requests for liquor licenses in a C-1 zone that were less than three hundred feet from a neighborhood had to have a neighborhood meeting. She indicated she would attend the meeting and both the Mayor and Council members had received a copy of the notice.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Ibarra absent/excused), to forward liquor license application 5bl to the Arizona State Liquor Board with no recommendation.

## **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 those items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Ruth Beeker asked if a legal ruling could be made pertaining to the usage of business names in a neighborhood association newsletter when it was not advertising, but only informational.

Council Member Leal asked Michael Rankin, City Attorney, to follow up with City staff regarding Ms. Beeker's complaint.

- b. Rob Blizzard thanked the Mayor and Council for passing the Inclusive Home Design Ordinance. He also thanked Ernie Duarte, Director, Development Services Department, and the Commission on Disability Issues for their efforts to solve a disabled accessibility issue.
- c. Michael Toney questioned the legality of tax incremental financing (TIF) extensions.
- d. Ken Scoville said the demolition of the atmospheric electric building at the U.S. Magnetic Observatory in Udall Park was a loss for Tucson, the State of Arizona, and the United States.
- e. Karlen Ross spoke about the inefficiency of the TICET bus route and how it was not designed to meet the transportation needs of university students and downtown workers. He suggested an alternative route would be more efficient.
- f. Robert Reus expressed his discontent over the continued closure of the Fourth Avenue Underpass.
- g. Joseph Sweeney urged the Mayor and Council to create a vice squad to address the concerns of illegal immigration.

**7. CONSENT AGENDA – ITEMS A THROUGH L**

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

**A. ASSURANCE AGREEMENT: (S05-061) STONE LANE TOWNHOMES, A CONDOMINIUM SUBDIVISION, UNITS 1 TO 14 AND COMMON AREAS “A” AND “B” AND LIMITED COMMON AREAS “1A” TO “14B”**

1. Report from City Manager OCT23-07-586 WARD 3
2. Resolution No. 20816 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. S05-061 of a Final Plat for the Stone Lane Townhomes a Condominium Subdivision, Units 1 to 14, Common Areas “A” and “B” and Limited Common Areas “1A” to “14B”; and declaring an emergency.

**B. FINAL PLAT: (S05-061) STONE LANE TOWNHOMES, A CONDOMINIUM SUBDIVISION, UNITS 1 TO 14 AND COMMON AREAS “A” AND “B” AND LIMITED COMMON AREAS “1A” TO “14B”**

1. Report from City Manager OCT23-07-587 WARD 3
2. Staff 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.

**C. ASSURANCE AGREEMENT: (S06-100) VOZACK ACRES SUBDIVISION, LOTS 1 TO 4**

1. Report from City Manager OCT23-07-588 WARD 2
2. Resolution No. 20815 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. S06-100 of a final plat for the Vozack Acres Subdivision, Lots 1 to 4; and declaring an emergency.

**D. FINAL PLAT: (S06-100) VOZACK ACRES SUBDIVISION, LOTS 1 TO 4**

1. Report from City Manager OCT23-07-589 WARD 2

2. Staff 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.

E. BOARDS AND COMMISSIONS: CREATING THE OUT OF SCHOOL PROGRAM TASK FORCE

1. Report from City Manager OCT23-07-595 CITY-WIDE
2. Resolution No. 20813 relating to Boards and Commissions; creating the Out of School Program Task Force; and declaring an emergency.

Kathleen Detrick, City Clerk, announced Resolution 20813 would be amended to exempt members of this task force from the provisions of Tucson Code, Section 10A-134, which prohibited service on multiple bodies.

F. INTERGOVERNMENTAL AGREEMENT: WITH THE ARIZONA DEPARTMENT OF ECONOMIC SECURITY FOR SHUTTLE TRANSIT SERVICES ALONG THE COMMERCE PARK LOOP ROUTE

1. Report from City Manager OCT23-07-590 WARD 1
2. Resolution No. 20812 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and the Arizona Department of Economic Security for provision of Shuttle Transit Services along Commerce Park Loop Route; and declaring an emergency.

G. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC FOR A TELECOMMUNICATIONS ANTENNAE AT HOUGHTON ROAD AND OLD SPANISH TRAIL

1. Report from City Manager OCT23-07-591 WARD 4
2. Ordinance No. 10469 relating to real property; authorizing and approving a Lease Agreement between the City of Tucson and New Cingular Wireless PCS, LLC for placement of telecommunications antennae at the intersection of Houghton Road and Old Spanish Trail; and declaring an emergency.



H. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY ANIMAL CARE CENTER FOR FISCAL YEAR 2008

1. Report from City Manager OCT23-07-596 CITY-WIDE
2. Resolution No. 20814 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for animal care and enforcement services; and declaring an emergency.

I. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE REVEILLE MEN'S CHORUS

1. Report from City Manager OCT23-07-585 WARD 6
2. Resolution No. 20811 relating to finance; approving and authorizing the allocation of One Hundred Dollars (\$100) from Ward 6 Office Community Support Fund, Account No. 001-183-1898-268, to the Reveille Men's Chorus to be used as a sponsorship for the group; and declaring an emergency.

This is a request by Council Member Trasoff. Allocation of funds is as follows: Council Member Trasoff - \$100.00

J. FINAL PLAT: (S07-131) INTERSTATE COMMERCE PARK, LOTS 1 TO 12

1. Report from City Manager OCT23-07-600 WARD 4
2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

This item was considered separately at the request of Vice Mayor Scott.

K. REAL PROPERTY: ACQUISITION OF RIGHT-OF-WAY AND CONSTRUCTION EASEMENT FOR THE SPEEDWAY BOULEVARD/MAIN AVENUE INTERSECTION IMPROVEMENT PROJECT (CONTINUED FROM THE MEETING OF OCTOBER 16, 2007)

1. Report from City Manager OCT23-07-598 WARD 3
2. Resolution No. 20795 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property for right-of-way purposes along Main Avenue and Speedway Boulevard for the Speedway Boulevard/Main Avenue Intersection Improvement Project; and declaring an emergency.

L. REAL PROPERTY: ASSIGN AND AMEND THE LEASE AGREEMENT WITH ECONOMOU RESTAURANTS, LLC FOR PROPERTY LOCATED WITHIN THE HISTORIC TRAIN DEPOT COMPLEX

1. Report from City Manager OCT23-07-602 WARD 6
2. Ordinance No. 10470 relating to real property; authorizing and approving a First Amendment to Lease and an Assignment and Assumption of Lessee's Interest in Lease concerning a portion of certain City owned real property at 400 North Toole Avenue; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through L, with the exception of Item J, which would be considered separately, and with the amendment to Item E, be passed and adopted and the proper action taken.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Ibarra

Consent Agenda Items A through L, with the exception of Item J, and with the amendment to Item E, were declared passed and adopted by a roll call vote of 6 to 0.

**7. CONSENT AGENDA – ITEM J**

J. FINAL PLAT: (S07-131) INTERSTATE COMMERCE PARK, LOTS 1 TO 12

1. Report from City Manager OCT23-07-600 WARD 4
2. Staff recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

Howard Covert, representing Target Corporation, stated this would set the final plat map in order to complete the transaction located off of Rita Tech Park. The project would be a nine hundred thousand square foot Target fulfillment center that would be an Internet fulfillment center. It would be the first one in the United States. He said, hopefully, the Target facility would be under construction within a week. Target had made the decision to locate this one hundred million dollar plus facility in the City of Tucson in May 2007.

Mr. Covert said the Mayor and Council, City staff, Tucson Regional Economic Opportunities (TREO), Diamond Ventures, and Ernie Duarte and Randy Schuler of the Development Services Department were able to quickly put together this project. An incredible amount of resources worked on this project to complete it. He said in the viewpoint of Target Corporation of Minneapolis, Minnesota, the City of Tucson had stepped forward and made this project happen. Very few communities in the western United States could do that. He said Lee Smith, TREO, Diamond Ventures, the Mayor and Council, and City staff made Target a believer in Tucson. He added Target was very proud and happy the facility would be open in approximately eighteen months and thanked everyone involved.

Mayor Walkup stated he remembered the day Mr. Covert's team flew in and met with TREO. They knew the project was hanging in the balance and the principal element Mr. Covert was interested in was if the City of Tucson could respond to rapid development and implementation. Mayor Walkup stated Target's chief executive officer told him if the City could not do it, Target would go elsewhere. He said the City was committed to make this happen. Mayor Walkup said he was pleased with Development Services Department (DSD) and the response from the Council to make this project work. He said they had faith and confidence in their ability to rapidly respond. A one hundred million dollar investment in the community was very important, and they looked forward to the ribbon cutting ceremony.

Mr. Covert replied it would take place soon. He thanked Vice-Mayor Scott and City staff for their assistance in the project and stated it made a big difference. He said it was a team effort. Hopefully, with the action tonight, the bulldozers would be moving soon.

Vice-Mayor Scott thanked Mr. Covert for his attendance at the meeting.

It was moved by Vice-Mayor Scott, duly seconded, that Consent Agenda Item J be declared passed and adopted and the proper action taken.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Ibarra

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

**8. PUBLIC HEARING: AMENDING THE TUCSON FIRE CODE RELATING TO SPRINKLER REQUIREMENTS FOR BEHAVIORAL HEALTH GROUP HOMES**

Mayor Walkup announced City Manager's communication number 601, dated October 23, 2007, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing regarding a proposed amendment to the Tucson Fire Code. The public hearing was scheduled to last for no more than one hour and speakers were limited to five-minute presentations.

Richard Eck said he supported and appreciated the Tucson Code amendment, which increased the number of occupants allowed, before installation of sprinklers was required. He said he was the chief executive officer of Supported Living Systems and President of the Board of the Behavioral Health Coalition of Southern Arizona. He said Supported Living Systems managed group homes and they had five children's homes with six children in each home. If they were to put fire sprinkler systems in each house, that would be a huge problem for them. By increasing the occupants to six and making the amendment retroactive, they were covered and it was greatly appreciated. He said he was concerned that from now on, if there were group homes for six or fewer occupants, the amendment would require a sprinkler system and that was a problem. He said they had hardwired smoke detectors that were connected to a central alarm in their group homes. There were smoke detectors in every part of the house because the insurance companies required it. They had wake-at-night twenty-four hour staff. The problem was not waking people up in the middle of the night; the dilemma was making sure people stayed in their bedrooms at night. To put in a sprinkler system would be cost prohibitive. With six children in a house, there would be a sprinkler hanging down from the ceiling. During a demonstration in one house, a child got angry and hit a sprinkler head with a baseball bat. This caused five thousand dollars in damages and they had to dispose of bunk beds so the sprinklers could not be reached again. Mr. Eck said this was an accident waiting to happen. He said they would like to propose the six occupants and less provision would be in effect from now on.

David Giles, CEO of Intermountain Centers for Human Development, stated they also had a vested interest in the development of group homes in the community to serve a variety of clinical populations, in particular, the behavioral health of the children in Department of Economic Security supervision. He stated this was the front line of care. In past negotiations with the Mayor and Council and the Tucson Fire Department in August, they agreed to table the amendment so there was adequate time to discuss it. He said they agreed the sprinkler code not apply retroactively to existing group homes. They were urged to go before the State Legislature and propose an amendment to allow behavioral health to get the same exemption that developmental disabilities had. This would take until the summer. Mr. Giles asked for this item to be tabled while they made an effort to go before the State Legislature. He asked the Mayor and Council to not exclude group homes under the City Fire Code. He said their attorney, Frank Bangs, presented a legal case indicating the City had the option of developing an alternative to the State Fire Code and, if necessary, they would support that; however, they might be able to handle the whole thing through State legislation. That was the direction they

would like to pursue first. He said they would like the Mayor and Council to table the second part of the discussion regarding the retroactive issue until they had a chance to see if they could effect legislation.

Bud Rigg said he spoke on behalf of a group of people who needed help, kids with special needs. All buildings needed to have fire protection. Some kids did not understand what smoke alarms were so they needed this protection. Mr. Rigg said he was in the fire protection business and retrofitting sprinklers in an existing building could be done for two dollars or less per square foot. He said it was not prohibitive to him when this practically guaranteed no one would die in a fire. To put at risk people who needed help, could not take of themselves and depended on people, was wrong. In terms of saving money, the fire damage in a non-sprinkler home averaged forty-five thousand dollars. In a sprinkler home, it averaged just over two thousand dollars. A sprinkler system emitted an average of three hundred fifty-seven gallons of water. When the Fire Department went to a building, they sprayed an average of four thousand eight hundred gallons of water. In a part of the world where water was precious, this was money saved outright. He said he had the capability of installing a sprinkler system that would almost guarantee the fire would be out by the time the Fire Department arrived. They would not be risking firemen's lives to put out the fire. He said he was okay with some people getting wet. He wanted everyone to consider how minimal the costs were and that lives would be saved. In a study done in Scottsdale where it was required for sprinklers to be in all homes, thirteen lives were lost in non-sprinkler homes. When fires occurred in homes that had sprinklers, no lives were lost. He would hate for someone to make a ruling to save money that cost a loved one's life. Money was not worth it.

Earl Cross, President of the Board and Care Group, noted Vice President Fred Cooper was also in attendance. Prior to the meeting, he had spoken with Michael Rankin, City Attorney, and Dan Newburn, City of Tucson Fire Chief, about his concerns regarding the fire sprinklers and the relevant ordinance in effect. Mr. Cross hoped that some of the jargon could be changed to say either "licensed facilities" or "non-licensed facilities." He said Board and Cares serviced people with mental disabilities. The only thing they did in those houses was feed the individuals. The reason being was that the minimum amount of money the people made, which could be five or six hundred dollars, could not support them in the city as far as food and utilities. What Board and Cares did was provide this for them at a minimum cost. The reason he was there was because they did not know if they were exempt in the proposed Fire Code. In order for them to be exempt from that, he was told they needed to get some sort of letter or notice from the City Attorney as well as from the Director of Environmental Services. That way if a Fire Marshal came to their facilities, they would have some documentation proving they were exempt.

Mayor Walkup asked if there was anyone else in the audience wishing to be heard on this item. Hearing no one, 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 6 to 0 (Council Member Ibarra absent/excused), to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10470 by number and title only.

Ordinance No. 10470 relating to Fire Code, adopting an amendment to the Fire Code of the City of Tucson relating to sprinkler requirements for behavioral health group homes; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Ordinance 10470.

Council Member Trasoff said she felt some important issues were raised. She said the City could not have an ordinance that was less restrictive than the State had and it would be irresponsible for the Mayor and Council to do so. She said she understood those affected would have three years to comply with the new provision, which gave plenty of time for organizations to work with the State Legislature to try and make the modifications. If the State Legislature did so, it would be within the next three years. There would be plenty of time for Mayor and Council to amend the Fire Code if the State granted an exemption. She asked the City Attorney if this was accurate.

Michael Rankin, City Attorney, said it was accurate and the City would not necessarily need to amend the ordinance if the State law preempted the City. The City would certainly bring its ordinance into conformance with State law. If the Legislature passed an exemption or preemption provision such as the one that already existed for developmentally disabled facilities, it would override the City Code.

Council Member Trasoff said by passing and adopting the ordinance, there was no immediate hardship; it gave adequate time to address the issue on the State level, which was where it belonged. To address Mr. Cross's concerns, she said she wanted to host an informational session at the Ward 6 office as there was confusion to what was and was not covered and how the rules would work. They would publish notice of the session well in advance and make it so people such as providers and others who were interested could come and learn the specifics and be given specific guidance in a way that could not be done at the Mayor and Council meeting. She would request staff from DSD, as well as from the Fire Department, to be present to answer specific questions.

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

Nay: None

Absent/Excused: Council Member Ibarra

Ordinance 10470 was declared passed and adopted by a roll call vote of 6 of 0.

**9. PUBLIC HEARING: ZONING (C9-07-17) TMC PAD – GRANT ROAD, R-1, R-2, AND O-3 TO PAD 16 (TMC PLANNED AREA DEVELOPMENT), ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 594, dated October 23, 2007, was received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a request to rezone property located on the northwest corner of Craycroft and Grant Roads. He asked if the applicant or a representative was present, and if they had any brief comments to make before the public hearing began.

Mary Beth Savel, from Lewis and Roca representing TMC, said that as a woman and a lawyer she felt very happy to have had the privilege of being able to practice law for many years without a man standing beside her, in front of the court or Mayor and Council. She gave credit to the women pioneers of Arizona who had paved the way. She noted the following Tucson Medical Center (TMC) representatives in attendance: Tracy Nuckolls, Executive Vice President and General Counsel; Michael Duran, Vice President; Julia Strange, Director of Communications; Richard Prevallet, Director of Facilities; Cheryl Kohout, Communications Coordinator; and Robert Walk, one of the pharmacists. She also recognized Jack Jewett for his role, while he was at TMC, for carrying through and implementing this very important zoning document.

Ms. Savel thanked the community for three plus years of patience, input, cooperation, communication, and thoughtfulness as the TMC Planned Area Development (PAD) was put together. There had been over twenty meetings with the community and staff over the course of the three plus years to effectuate the zoning document. She thanked the consulting team who participated in the process, as well as Hector Martinez, and other City staff who did a stellar job in providing technical guidance and implementing a brand-new, open process of PAD review. They posted informal and formal comments on the City of Tucson web site for months, giving the community an opportunity to see the review process in action and see the kind of technical concerns staff reviewed and accomplished as they went through the process. She credited them for the use of technology and the openness of the process. This was a huge PAD. A comprehensive Zoning Examiner's public hearing was held a month and a half ago. She asked the Mayor and Council, on behalf of the community, staff, consultants, and herself, after three years of hard work, to approve the TMC PAD and allow TMC to proceed with bringing the hospital into the twenty-first century.

Mayor Walkup announced the public hearing was scheduled to last for no more than one hour. Speakers were limited to five-minute presentations.

Steve Emerine, a resident of the Arcadia Square subdivision within the three hundred-foot limit and a homeowner in the Old Fort Lowell Neighborhood Association, said the only thing he had to state was they had waited and talked about this long enough, and it was time to just do it.

Ken Scoville said it had been an interesting three-year process. Through this whole process, there was one nuance he was concerned about. He read from the TMC's historic structure section 3.5.6, which said "TMC shall retain and preserve the Patio, Arizona and Erickson buildings." He said "shall retain" sounded great. If it was listed on the National Register, it did not necessarily mean it could not be demolished. That was a more intricate process. There was no time element with these words. He said he was not a real estate attorney, but once this was passed, circumstances could change. Without some kind of underlying preservation easement for which he had advocated for throughout the entire process, they could tear the buildings down. Perhaps that was the reality of living in Tucson. The words "shall retain" were not strong enough. Other people he had spoken to involved in historic preservation had advised that if one really wanted to save something, one put a preservation easement that would go with the rezoning process. He wanted everyone to be aware the buildings were not protected over the long haul. In discussions with Julia Strange about the Arizona Building, which used to be the nurses' residence, she indicated it was a hardship for TMC to save this building. The Orthopedic Center wanted to move there. Hopefully the group in power now would be concerned and was interested to see the legacy of their historic buildings and the legacy in the community. He did not know what would happen five or ten years from now. So "shall retain" did not have any time element defining how long the buildings would be retained.

Mr. Scoville stated this started with the community being concerned about a community hospital. The land and structures, which were a part of the Desert Sanatorium campus that began in 1926, were given to the community as a community hospital. He had advocated throughout the three-year process for these buildings to be saved, as they were great adaptive reuse buildings. The Patio, Erickson, and Arizona Buildings were landmark buildings that gave people a sense of tradition and continuity in terms of going there for health care. He had lobbied and struggled for the Court buildings over the last three years. They were in various modes of condition. The Hopi Building probably met the best criteria for having something of the Court Buildings being saved. He said people in the Pima County Medical Society would like to have a museum of medical history there but it was also more important as a place for the community. The other buildings were being restored and would be great places for TMC, but there were no places for the community. This was a community hospital from the beginning.

Mr. Scoville said there was rhetoric that patients had been taken care of at the Patio Building. That occurred when polio patients were treated there. The Court Buildings were where Tucsonans either provided or received health care. He bumped into people all the time that had been treated in the Court Buildings. Those were the buildings that represented the community. Those were the key elements. He was glad the verbiage said they would not be bulldozed tomorrow. He wanted everyone to know the Hopi Building was the best of the Court buildings. One of the buildings should be saved for the community to represent all the decades of community work and lives saved in a time when Tucson really had a sense of itself.



He said the other element of Tucson's identity was the Water Tower. At one time at all the meetings there seemed to be a stronger effort toward preservation. He was aware they had no idea of what the hospital would really look like, but nonetheless the Water Tower needed better preservation.

Erick Weiland stated he was in support of the TMC expansion. He appreciated the process TMC had gone through with neighborhood participation and especially with Jack Jewett who made sure everyone was aware of the meetings and what was going on. One concern he had was regarding the Florida "T," which was back into the language of the PAD. It was taken out at one point and then put back in during the process. The final assessment for the TMC Craycroft entrance and exit was five to ten years away. His concern was the PAD referenced it as a Florida "T" at this point, and he thought it should be left open for assessment later because there were other alternatives that still needed to be considered in the process. The Florida "T" directed traffic exiting his neighborhood to the east of TMC north, meaning traffic was increased along North Glenn in both directions past the school and to the east depending on whether someone wanted to go southeast or west. He considered this a higher risk aspect of that particular alternative.

Mr. Weiland said he sent a letter to the Mayor and Council Members presenting two alternatives that were reasonable and preferred by the neighborhood as it gave them easy access and entrance into their neighborhood, which was a four way stop light at the intersection for TMC. He said he understood this was a problem from the standpoint of northbound flow but he thought traffic synchronization of the lights would make that minimal. The other way was to include in the language next time if they put in a Florida "T" type of arrangement, both Glenn and Grant had U-turn possibilities and Glenn would get a left turn signal. He said that right now this was one of the worst intersections for the left turn as there was no left turn signal. If there was a possibility of making a left turn signal at both Grant and Glenn that would minimize some of the impact to the neighborhood. He requested within the PAD the language be removed for the Florida "T." He said the best alternative for traffic flow could be evaluated at the assessment, which was five to ten years away. It should be ensured the location of the entrance and exit and the current Phase One development of the exit and entrance would not limit any of the possible alternatives including a full four way stop light. That was the request from his neighborhood. He said he knew his neighborhood was not officially organized and they did not have a member to represent them but hoped that his citizen request be considered.

Elaine Hill, representing the Old Fort Lowell Neighborhood Association, had been working with TMC since 2004. She said she heard the presentation made by TMC so many times, she could probably give it herself. Her neighborhood supported the redevelopment of the hospital. They agreed it was overdue and had worked to maintain a good relationship with TMC over the period they worked with them. Their goal was to try and make a positive impact on the property to be redeveloped. She said she thought the Association made a critical difference in the outcome of the rezoning. The association encouraged TMC to hire national planners, which TMC did, and she said they thought they did a great job. She said the Association pushed the issues and made a lot of

progress. There were still a few issues she was asked to bring forward for the record so they would be considered in the development as it went forward.

Ms. Hill said Phase Two of the plan was undefined, but they recognized it could not really be defined at this time. The Association wanted to continue the meaningful public participation process and she said they thought this was really important. It had been put through an Architectural Review Board, which was somewhat restricted. Mr. Weiland already addressed the traffic and safety issues. The Association did not think these had been adequately managed on Glenn and Craycroft. She said they believed the increase in density had to be buffered for the neighbors and for the historic district to the north. The Association asked for a fifty-foot buffer around the entire PAD. This was pretty much accomplished except for the area adjacent to Whitmore Elementary School to the west. In that case and another case further south, there were roadways in the setbacks that minimized the buffers. Open space was important in the region and they tried to encourage it and had accomplished a lot in that sense regarding washes, trails, and a percentage of open space. She said they felt it was a real advantage for TMC; it made it unique and a good place to work and receive health care. The Association asked for a thirty percent open space allotment and the PAD called for ten percent. They were glad they had participated and she reiterated she thought the Association had made a meaningful difference. They appreciated TMC for continuing in the process and they thanked City staff and Council Member West for listening to them and for supporting them through the process.

Shannon McBride-Olson, a member of the Old Fort Lowell Neighborhood Association and a member of the Tucson Planning Commission, thanked TMC for the phenomenal amount of work they had put into the entire process. TMC was in front of the Planning Commission twice and they did a tremendous amount of work to come back the second time with a very good amendment proposal, which was easy for the Commission to pass. TMC had pushed the envelope by involving the neighborhoods and citizens in the PAD planning process. She said the neighborhood knew Tucson needed the hospital and they supported the PAD zoning. She reiterated one point concerning the Architectural Review Board (ARB). Because the Old Fort Lowell Neighborhood Association was so involved, they would like to be able to continue to be part of the process. The structure of the ARB included three members from the neighborhoods in total. There were three registered neighborhoods and various unregistered neighborhoods in the area. The structure of the ARB included two members from the registered neighborhoods and one member representing the rest of the unregistered neighborhoods. They requested adding one more member to the neighborhood membership in order to include all registered neighborhoods on the ARB so all could be represented. Part of the Old Fort Lowell Neighborhood included one of the most important historic landmarks in Tucson and she said they were interested in being active in that planning process.

Mayor Walkup asked if there was anyone else wishing to be heard on this item. Hearing none, he asked for a motion to close the public hearing.

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

Mayor Walkup asked the City Clerk to read Ordinance 10468 by number and title only.

Ordinance No. 10468 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of Grant Road and Craycroft Road in Case C9-07-17, TMC PAD – Grant Road, R-1, R-2 and O-3 to PAD 16 (TMC Planned Area Development); and setting an effective date.

It was moved by Council Member West, duly seconded, to approve the request for rezoning as recommended by the Zoning Examiner and pass and adopt Ordinance 10468.

Council Member West thanked her staff member, Lorraine Hernandez, and said it had been a long three years. She thanked Hector Martinez for his support and work and commended TMC who worked very well with the surrounding neighborhoods, which had been an important component of the process. She thanked Ms. Savel and Cheryl Kohout. One neighborhood in attendance that worked very hard on this was the Old Fort Lowell Neighborhood. There were other neighborhoods not present, one of which told her they supported this so there was no need to attend. She thanked those who were present and took the time to attend the meeting. They had been involved in the process and she said she thought that they and TMC had made this a much better process. She said she was very proud of everyone.

Council Member West stated TMC was a private non-profit hospital that asked for approval of a Planned Area Development for more than one hundred nineteen acres of land located in Ward 2, at Grant and Craycroft Roads. After passing the Inclusive Home Design Ordinance the week prior, she was an outpatient in the TMC Emergency Room until 2:00 a.m. because of a knee problem. She now knew what a meniscus was. Patients laid on stretchers in the corridors and in every nook and cranny. There was absolutely no patient privacy and the place looked a bit haggard and worn. Staff got their exercise running up and down long corridors trying to tend to the very sick along with people like her. Yet they remained cheerful and dedicated. She had not been able to lift her foot high enough to reach the minimal step at her home. Ramps were the way to go for the disabled. Earlier, TMC had asked for a plan amendment to build up to one hundred fifty feet in height in the center of the hospital. They were given approval. That was not on the table this evening.

Council Member West said in over three years there had been twenty meetings with nearby property owners including eight neighborhoods, some registered with the City and some not. She told Mr. Weiland he should not apologize because his neighborhood was not organized. TMC stuck its neck out at the suggestion of the neighborhoods and hired Ayers Saint Gross to develop this PAD. It spent over one million dollars to do this. She said she thought this a far better plan than what was originally envisioned. She stated she would review a few high points from the volumes of materials received. TMC intended to provide a wide range of medically related services and mitigate the impacts of this on the surrounding neighborhoods, school, and the adjacent transportation network. TMC had agreed to retain the Patio, Arizona and Erickson historic buildings, and the Water Tower, all from the 1926-1927 era. She said

she trusted them to do this. Poster Frost Company conducted studies on the historic buildings on site and deemed these three buildings were in excellent condition. TMC intended to have them placed on the National Historic Register.

Council Member West said the Water Tower might need to be moved from its present location, but it too was an important landmark. The most intensive height would be in the interior of the campus with less intensive development along Grant and Craycroft Roads. Appropriate buffering around the TMC campus edges would take place during the rezoning and development plan review processes. TMC would continue to work with surrounding neighborhoods using the same Review Board process that was successfully used at St. Joseph's Hospital. Three neighbors chosen by the surrounding neighborhoods would be on the Architectural Review Board along with TMC officials to review and make suggestions on the Plan. The neighborhood representatives would be the conduits of information to the eight neighborhoods in the area. It should be noted that the Plan had been maintained on the TMC web site, and she strongly recommended this be continued. Observers at meetings would be welcomed and any changes to the composition of the ARB should be worked out with TMC. The vertical four hundred fifty-bed hospital would be developed first along with a medical office space. During this project, the present hospital would continue to function so patients could still be treated. Once built, the old hospital would be demolished. This was often overlooked and should not be. First and foremost, this was a hospital.

Council Member West stated she knew there were some concerns that still needed to be addressed. Residents who lived east of the hospital were concerned about the entrance onto Craycroft and she would like Mr. Weiland's letter to be made a part of the public record. The issues needed to be worked out and she said she believed over time that improved traffic devices might be available that were better suited for this location than the Florida "T." Another concern was the ten percent amount of open space. She said it should not be forgotten that this was a hospital. The banks and washes belonged to the City so they did not count toward open space. TMC agreed to provide some trails at their expense in the area including an interconnected trail system along the edges of the TMC campus for pedestrians and bicyclists along with the Alamo and Arcadia washes. They would work with neighborhoods and the City in developing these. Phase Two would be years away. While the neighborhoods wanted more open space, the hospital must remain open-minded on this subject until the future needs of TMC were met.

Council Member West said TMC had also agreed to retain their award-winning landscaping on the site, keeping some of the most valued plants in place as they could. Some of these were historic as well. Landscape would be as important a part of the new hospital area as it was today. There would be input on this from professionals and interested neighbors during the design process. TMC had always been ahead of the curve on energy conservation. She and Janet Marcus visited TMC back in the 1990s to gather information for the City's successful Energy Conservation Program. TMC would work to promote the production of clean solar or other power. She said she knew there were concerns about Wyatt Drive. It was a private road. If there were problems on Grant, Wyatt Drive would have to be used as an emergency entrance. Emergency response teams might not be particularly pleased to have a traffic circle or a speed hump at the entrance of the road. She urged traffic engineers to consider this during the next phase.

Efforts to get a pedestrian high intensity activated crosswalk (HAWK) light at Whitmore School would continue. There was also an asphalt path on the south side of Glenn, which would assist many in reaching the school safely. Internal circulation, as well as traffic onto nearby streets, should continue to be a high priority and many had experienced the twenty-five mile per hour speed trap. She said the speed limit should be observed. Council Member West said she thought this plan turned out better than they had expected, thanks to the neighborhoods and TMC's willingness to listen. She urged her colleagues to join her in passing the PAD.

Council Member Leal thanked Council Member West, her staff, and everyone who had participated in this process. He agreed with Council Member West's assessment of the quality of this project. He wanted the Mayor and Council to keep an eye on transportation issues during Phase Two. Traffic had become thicker and denser around the community. He was concerned about the future of westbound traffic on Grant Road, especially the entrance for public safety vehicles and ambulances turning right as they went west or turning left as they came east into the facility. He wanted them to consider, in the future, if a stacking lane on Grant Road could add a lane going north. All the traffic on Grant wanting to go in could leave the through lanes and enter the stacking lane so Grant became thinner in terms of the number of vehicles. Maybe that would make it easier for ambulances navigating in and out when they were trying to get to the entrance. He requested the work be monitored in Phase Two to see if there might be a problem in the future and if this would be a solution to the traffic density.

Mayor Walkup commended Council Member West. As she approached the end of her tenure, this was a very nice project to end with. Almost half of her service on the Council had transpired to bring this project together. He said he hoped it could be built faster than they had approved it. He congratulated everyone who helped make this project happen. It was good for the entire community.

Mayor Walkup asked if there was anyone else wishing to be heard on this item. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Ibarra

Ordinance 10468 was declared passed and adopted by a roll call vote of 6 of 0.

**10. ZONING: (C9-05-10) ORACLE/INA LLC – VALENCIA ROAD, C-1 TO C-1/C-2, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's Communication number 593, dated October 23, 2007, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10466 by number and title only.

Ordinance No. 10466 relating to zoning: amending zoning district boundaries in the area located at the southwest corner of Valencia Road and Headley Road in Case C9-05-10 (RZ 07-040), Oracle/Ina LLC – Valencia Road, C-1 to C-1/C-2; and setting an effective date.

It was moved by Council Member Leal, duly seconded, to pass and adopt Ordinance 10466.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Ibarra

Ordinance 10466 was declared passed and adopted by a roll call vote of 6 of 0.

**11. ZONING: (C9-05-18) BLYTHE – HAWTHORNE STREET, R-1 TO O-2, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 592, dated October 23, 2007, was received into and made a part of the record. He asked the City Clerk to read Ordinance 10467 by number and title only.

Ordinance No. 10467 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of Hawthorne Street and Wilmot Road in Case C9-05-18, Blythe – Hawthorne Street, R-1 to O-2; and setting an effective date.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Ordinance 10467.

Richard Blythe, the owner of the property, thanked the Mayor and Council for all the work they did in getting this approved over the last three years.

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

Nay: None

Absent/Excused: Council Member Ibarra

Ordinance 10467 was declared passed and adopted by a roll call vote of 6 of 0.

**12. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 599, dated October 23, 2007, was received into and made a part of the record.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Ibarra absent/excused), to appoint Paige Repp to the Design Review Board, Lisa Long to the Metropolitan Education Commission, and Karolyn Kendrick to the Resource Planning Advisory Committee.

**13. ADJOURNMENT: 7:19 p.m.**

Mayor Walkup announced the next regularly scheduled meeting would be held on Tuesday, November 13, 2007, 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 23rd day of October 2007, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:tl:rm:kad