



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on January 9, 2007

Date of Meeting: November 7, 2006

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:36 p.m. on Tuesday, November 7, 2006 all members having been notified of the time and place thereof.

1. ROLL CALL

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

Present:

José J. Ibarra
Carol W. West
Karin Uhlich
Shirley C. Scott
Steve Leal
Nina J. Trasoff
Robert E. Walkup

Council Member Ward 1
Vice Mayor, Council Member Ward 2
Council Member Ward 3
Council Member Ward 4
Council Member Ward 5
Council Member Ward 6
Mayor

Staff Members Present:

Mike Hein
Mike Rankin
Kathleen S. Detrick
Mike Letcher

City Manager
City Attorney
City Clerk
Deputy City Manager

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Father Patrick Gavin, Sacred Heart Church, after which the pledge of allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup proclaimed November 2006 as “National Hospice Month”. Dasa Schmidt, on behalf of the Hospice Partner’s Group in Tucson was present to accept the proclamation.
- b. Mayor Walkup presented an “Extraordinary Citizen” Award to Jennie Grabel for her efforts in educating the community on environmental issues.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 586, dated November 7, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Vice Mayor West congratulated Ward 3 citizens and Captain David Neri, of the Dodge Flower Neighborhood, for winning a Common Ground Award from the Metropolitan Pima Alliance for work in making their neighborhood methamphetamine free. Vice Mayor West announced Ward 2 won an award for the Rialto Crossing commercial development and Davidson School redevelopment. Vice Mayor West also announced she would be hosting a Town Hall on November 16, 2006 regarding the Parks and Recreation Department and what the public would like to see offered on the Eastside.

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

Mayor Walkup announced City Manager’s communication number 587, dated November 7, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 585, dated November 7, 2006 would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New License(s)

1. C. I. Chu's Mongolian Barbeque, Ward 3
2970 N. Campbell Ave.
Applicant: Calvin I-hsin Chu
Series 12, City 101-06
Action must be taken by: November 10, 2006
Staff had indicated the applicant is in compliance with city requirements.
2. Le Delice Bakery & Café, Ward 2
7245 E. Tanque Verde
Applicant: Maurice Jean Cochard
Series 12, City 104-06
Action must be taken by November 24, 2006
Staff had indicated the applicant is in compliance with city requirements.
Public Opinion: Written Argument in Favor Filed
3. Chuy's Mesquite Broiler, Ward 4
7585 S. Houghton Rd.
Applicant: Scott Vincent Owsley
Series 12, City 105-06
Action must be taken by November 25, 2006
Staff had indicated the applicant is in compliance with city requirements.
Public Opinion: Written Argument Stating No Objection Filed

Person/Location Transfer

4. ICE, Ward 2
6350 E. Tanque Verde Rd.
Applicant: Kevin Arnold Kramber
Series 6, City 103-06
Action must be taken by November 24, 2006
Staff had indicated the applicant is in compliance with city requirements.
Public Opinion: Written Argument Opposed Filed

Kathleen S. Detrick, City Clerk, announced the applicant had submitted a withdrawal letter and this item would not be considered.

Location Transfer

5. Walgreens #9953, Ward 2
7885 E. Speedway Blvd.
Applicant: Randy A. Guse
Series 09, City 107-06
Action must be taken by: December 2, 2006
Staff had indicated the applicant is in compliance with city requirements.

c. Special Event

1. North Fourth Avenue Merchants Association, Ward 6
Fourth Ave. Between 9th St. & University
Applicant: Daniel George Matlick
City T71-06
Date of Event: December 8, 2006 to December 10, 2006
Fund Raising Civic Event
Staff had indicated the applicant is in compliance with city requirements.
2. Southern Arizona AIDS Foundation (SAAF), Ward 6
1303 E. University Blvd.
Applicant: Mae Krueger
City T82-06
Date of Event: November 19, 2006
Fundraiser, 18th Annual Jerome Beillard Festival for Life
Staff had indicated the applicant is in compliance with city requirements.

d. Agent Change

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

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b2, 5b3, 5b5, 5c1 and 5c2 to the Arizona State Liquor Board with a recommendation for approval.

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 any items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. Lori Lustig, on behalf of the Southern Arizona Home Builders Association, spoke about the Interim Watercourse Preservation Policy.
- b. Greg Shinn, representing GRS Landscape Architects, spoke about the Interim Watercourse Preservation Policy.

- c. Ramon Gaanderse, representing Metropolitan Pima Alliance, spoke about the Interim Watercourse preservation Policy.
- d. Jim Portner, Projects International, spoke about the Interim Watercourse Preservation Policy.
- e. Frank Bangs, representing the Tucson Association of Realtors, spoke about the Interim Watercourse Preservation Policy.
- f. Anne Mechocko, representing the Tucson Association of Realtors, spoke about the Interim Watercourse Preservation Policy.
- g. Diana Rhodes, representing Sonoran Institute, spoke about the Interim Watercourse Preservation Policy.
- h. Michael Toney, spoke about the curbs in front of Enoteca Restaurant and how cars damaged them when turning.
- i. Russ Dove, announced he was seeking legal council and an injunction in federal court, against the City of Tucson.

7. CONSENT AGENDA – ITEMS A THROUGH V

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

- A. PROFESSIONAL SERVICES AGREEMENT: FOR LEGAL SERVICES WITH JONES, SKELTON & HOCHULI, P.L.C.
 - 1. Report from City Manager NOV7-06-589 CITY-WIDE
 - 2. Resolution No. 20489 relating to professional services; authorizing and approving the Agreement for Legal Services with Jones, Skelton & Hochuli; and declaring an emergency.
- B. INTERGOVERNMENTAL AGREEMENT: WITH TUCSON UNIFIED SCHOOL DISTRICT FOR IMPROVEMENTS TO THE RECREATIONAL FACILITIES AT DAVIDSON ELEMENTARY SCHOOL
 - 1. Report from City Manager NOV7-06-590 WARD 2
 - 2. Resolution No. 20488 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Tucson Unified School District - Davidson Elementary School for improvements to the recreational facilities at Davidson Elementary School; and declaring an emergency.

Kathleen S. Detrick, City Clerk, explained that earlier at the Study Session meeting there was a correction made to Item B. Page one of two of the Mayor and Council Communication indicated, under Financial Considerations, that Ward 2 would contribute three hundred thousand dollars towards the project, which should read Ward 2 would contribute two hundred and fifty thousand dollars and the Mayor would contribute fifty thousand dollars towards the project. Additionally there was a corrected page to the Intergovernmental Agreement, which was exhibit A to Resolution 20488. Section Five of that agreement on page three, under Funding, previously indicated that Ward 2 would contribute three hundred thousand dollars to the project, the correct language should be “City Council Ward 2 will contribute two hundred fifty thousand dollars towards this project and the Mayor’s Office will also contribute fifty thousand dollars towards this project.” The remaining portion of Section Five was the same.

C. GRANT AWARD: ACCEPTANCE OF GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE FOR “COPS” 2006 METHAMPHETAMINE INITIATIVE

1. Report from City Manager NOV7-06-591 CITY-WIDE
2. Resolution No. 20490 relating to grants; approving and authorizing acceptance of a Grant Award with the Department of Justice for the COPS 2006 Methamphetamine Initiative; and declaring an emergency.

D. REAL PROPERTY: CONVEYANCE OF CITY-OWNED PROPERTY VIA THE PAPER PLAT PROCESS FOR THE PROPOSED RESUBDIVISION OF THE LA ESTANCIA DE TUCSON SUBDIVISION

1. Report from City Manager NOV7-06-592 WARD 4
2. Ordinance No. 10335 relating to real property; vacating and declaring city-owned rights-of-way, a park, and a well site in the La Estancia de Tucson Subdivision to be surplus property; authorizing the conveyance thereof at no cost to the Developer of La Estancia de Tucson pursuant to the Mayor and Council paper plat policy; and declaring an emergency.

E. ASSURANCE AGREEMENT: (S06-067) LA ESTANCIA DE TUCSON SUBDIVISION, LOTS 331 TO 410, AND COMMON AREA “A”

1. Report from City Manager NOV7-06-593 WARD 4
2. Resolution No. 20494 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. S06-067 of a final plat for the La Estancia De Tucson Subdivision, Lots 331 through 410 and Common Area “A”; and declaring an emergency.

- F. FINAL PLAT: (S06-067) LA ESTANCIA DE TUCSON SUBDIVISION, LOTS 331 TO 410, AND COMMON AREA “A”
1. Report from City Manager NOV7-06-594 WARD 4
 2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant was advised that building/occupancy permits were subject to the availability of water/sewer capacity at the time of actual application.
- G. ASSURANCE AGREEMENT: (S06-071) LA ESTANCIA DE TUCSON SUBDIVISION, LOTS 411 TO 664, AND COMMON AREAS “A” AND “B”
1. Report from City Manager NOV7-06-595 WARD 4
 2. Resolution No. 20491 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. S06-071 of a final plat for the La Estancia De Tucson Subdivision, Lots 411 through 664 and Common Areas “A” and “B”; and declaring an emergency.
- H. FINAL PLAT: (S06-071) LA ESTANCIA DE TUCSON SUBDIVISION, LOTS 411 TO 664, AND COMMON AREAS “A” AND “B”
1. Report from City Manager NOV7-06-596 WARD 4
 2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant was advised that building/occupancy permits were subject to the availability of water/sewer capacity at the time of actual application.
- I. ASSURANCE AGREEMENT: (S05-098) LA ESTANCIA DE TUCSON SUBDIVISION, LOTS 1 TO 330, COMMON AREAS “A”, COMMON AREAS “B”, AND BLOCKS A, B, C, D, AND E
1. Report from City Manager NOV7-06-597 WARD 4
 2. Resolution No. 20493 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. S05-098 of a final plat for the La Estancia De Tucson Subdivision, Lots 1 through 330 and Common Areas “A” - “B”, and Blocks A, B, C, D, and E; and declaring an emergency.

- J. FINAL PLAT: (S05-098) LA ESTANCIA DE TUCSON SUBDIVISION, LOTS 1 TO 330, COMMON AREAS "A", COMMON AREAS "B", AND BLOCKS A, B, C, D, AND E

1. Report from City Manager NOV7-06-598 WARD 4
2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant was advised that building/occupancy permits were subject to the availability of water/sewer capacity at the time of actual application.

- K. PARKS AND RECREATION: NAMING SENIOR BASEBALL FIELD #7 IN RUDY GARCIA PARK THE "ALEX 'GORDO' SANTA CRUZ" BASEBALL FIELD

1. Report from City Manager NOV7-06-599 WARD 5
2. Resolution No. 20492 relating to Parks and Recreation; authorizing and approving naming of Senior Baseball Field #7 in Rudy Garcia Park the "Alex 'Gordo' Santa Cruz" Baseball Field; and declaring an emergency.

Item K was considered separately at the request of Council Member Leal.

- L. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE TUCSON FIRE FIGHTERS ASSOCIATION

1. Report from City Manager NOV7-06-601 MAYOR, WARDS 1, 3, AND 4.
2. Resolution No. 20502 relating to Finance; approving and authorizing the allocation of two hundred dollars (\$200) from Ward 3 and five hundred dollars (\$500) from the Mayor, Ward 1, and Ward 4 for a total of one thousand seven hundred dollars (\$1700) from the Community Support Fund, Account No. 001-183-1898-268, to the Tucson Fire Fighters Association for the 11th Annual Chili Cook-off; and declaring an emergency.

This was a request by Mayor Walkup, Council Members Ibarra, Uhlich, and Scott. Allocation of funds is as follows:

Mayor Walkup -	\$500.00
Council Member Ibarra -	\$500.00
Council Member Uhlich -	\$200.00
Council Member Scott -	\$500.00

Item L was considered separately at the request of Vice Mayor West and Council Member Trasoff.

M. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO TRAFFICADE SERVICES, INC. FOR THE TERRA DEL SOL NEIGHBORHOOD ASSOCIATION'S 50TH ANNIVERSARY CELEBRATION

1. Report from City Manager NOV7-06-602(2) WARD 4
2. Resolution No. 20496 relating to Finance; approving and authorizing the allocation of four hundred eighty-six dollars (\$486) from the Community Support Fund, Account No. 001-183-1898-268, to Trafficade Services, Inc., for barricades for the Terra Del Sol Neighborhood Association's 50th Anniversary Celebration; and declaring an emergency.

This is a request by Council Member Scott. Allocation of funds is as follows:
Council Member Scott - \$486.00

N. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE VETERANS' AFFAIRS COMMITTEE FOR OPERATION EXODUS

1. Report from City Manager NOV7-06-603(2) WARD 4
2. Resolution No. 20499 relating to Finance; approving and authorizing the allocation of two hundred dollars (\$200) from the Community Support Fund, Account No. 001-183-1898-268, to the Veterans' Affairs Committee to support Operation Christmas Exodus; and declaring an emergency.

This is a request by Council Member Scott. Allocation of funds is as follows:
Council Member Scott - \$200.00

Item N was considered separately at the request of Vice Mayor West and Council Member Trasoff.

O. FINANCE: TRANSFER OF FUNDS FROM THE WARD 5 OFFICE BUDGET TO THE TUCSON FIRE FIGHTERS ASSOCIATION

1. Report from City Manager NOV7-06-604(2) WARD 5
2. Resolution No. 20503 relating to Finance; approving and authorizing the transfer of five hundred dollars (\$500) from the Ward Five Council Office budget to the Community Support Fund, Account No. 001-183-1898-268, to be allocated to the Tucson Fire Fighters Association for the 11th Annual Chili Cook-off; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows:
Council Member Leal - \$500.00

P. FINANCE: TRANSFER OF FUNDS FROM THE WARD 5 OFFICE BUDGET TO THE VETERANS' AFFAIRS COMMITTEE FOR OPERATION EXODUS

1. Report from City Manager NOV7-06-605(2) WARD 5
2. Resolution No. 20500 relating to Finance; approving and authorizing the allocation of two hundred fifty dollars (\$250) from the Ward Five Council Office budget to the Community Support Fund, Account No. 001-183-1898-268, to be allocated to the Tucson Veterans' Affairs Committee for Operation Christmas Exodus; and declaring an emergency.

This is a request by Council Member Leal. Allocation of funds is as follows:
Council Member Leal - \$250.00

Q. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE KEELING NEIGHBORHOOD ASSOCIATION

1. Report from City Manager NOV7-06-606(2) WARD 3
2. Resolution No. 20497 relating to Finance; approving and authorizing the allocation of one hundred dollars (\$100) from the Community Support Fund, Account No. 001-183-1898-268, to the Keeling Neighborhood Association to assist in covering costs for communication efforts; and declaring an emergency.

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

R. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE GAY, LESBIAN, BISEXUAL, TRANSGENDER (GLBT) COMMISSION

1. Report from City Manager NOV7-06-607(2) WARD 3
2. Resolution No. 20504 relating to Finance; approving and authorizing the allocation of one hundred dollars (\$100) from the Community Support Fund, Account No. 001-183-1898-268, to the Gay, Lesbian, Bisexual, Transgender Commission (GLBT) Co-Chair to assist in covering costs for communication efforts; and declaring an emergency.

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

S. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE HIGHLAND VISTA/CINCO VIA NEIGHBORHOOD REINVESTMENT PROJECT

1. Report from City Manager NOV7-06-612 WARD 6

As discussed in the Study Session, this item was continued at the request of staff.

T. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO CHAMBER MUSIC PLUS SOUTHWEST

1. Report from City Manager NOV7-06-608(2) CITY-WIDE
2. Resolution No. 20498 relating to Finance; approving and authorizing the allocation of seven hundred fifty dollars (\$750) from the Community Support Fund, Account No. 001-183-1898-268, to Chamber Music Plus Southwest to help defray costs to allow school children the opportunity to attend performances; and declaring an emergency.

This is a request by Mayor Walkup. Allocation of funds is as follows: Mayor Walkup - \$750.00

Item T was considered separately at the request of Council Member Scott.

U. APPROVAL OF MINUTES

1. Report from City Manager NOV7-06-609 CITY-WIDE
2. Approval of minutes for the regular meetings of the Mayor and Council held on September 6, 2006, September 19, 2006, and October 3, 2006.

V. FINANCE: TRANSFER OF FUNDS FROM THE WARD 5 OFFICE BUDGET TO THE GAY, LESBIAN, BISEXUAL, TRANSGENDER (GLBT) COMMISSION

1. Report from City Manager NOV7-06-611(2) WARD 5
2. Resolution No. 20501 relating to Finance; approving and authorizing the transfer of one hundred dollars (\$100) from the Ward Five Council Office budget to the Community Support Fund, Account No. 001-183-1898-268, to be allocated to the Gay, Lesbian, Bisexual, Transgender Commission (GLBT) Co-Chair to defray costs for communication efforts; and declaring an emergency.

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

It was moved by Council Member Ibarra, duly seconded, that Consent Agenda Items A through V, including the corrections made to Item B, with the exception of Item S which was continued, and Items K, L, N, T which would be considered separately.

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

Upon roll call, the results were:

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

Nay: None

Consent Agenda Items A through V, including the corrections made to Item B, with the exception of Item S, which was continued and Items K, L, N, T which would be considered separately, were declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM K

K. PARKS AND RECREATION: NAMING SENIOR BASEBALL FIELD #7 IN RUDY GARCIA PARK THE “ALEX ‘GORDO’ SANTA CRUZ” BASEBALL FIELD

1. Report from City Manager NOV7-06-599 WARD 5
2. Resolution No. 20492 relating to Parks and Recreation; authorizing and approving naming of Senior Baseball Field #7 in Rudy Garcia Park the “Alex ‘Gordo’ Santa Cruz” Baseball Field; and declaring an emergency.

Kathleen S. Detrick said the first item to be considered separately was Item K and it was requested by Council Member Leal.

Council Member Leal asked Victoria Santa Cruz to come forward and speak about her connection to the naming of the field.

Victoria Santa Cruz showed a picture of Alex ‘Gordo’ Santa Cruz whose name was being considered for Senior Baseball Field number seven. Alex was Ms. Santa Cruz’s nephew and he had been murdered last year on September 11. Ms. Santa Cruz thanked the Mayor and Council, on behalf of the Santa Cruz Family and American Little League at Rodeo Park, for the naming of the field.

It was moved by Council Member Leal, duly seconded, to pass and adopt Item K.

Upon roll call, the results were:

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

Nay: None

Consent Agenda Item K was declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM L

L. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE TUCSON FIRE FIGHTERS ASSOCIATION

1. Report from City Manager NOV7-06-601 MAYOR, WARDS 1, 3, AND 4
2. Resolution No. 20502 relating to Finance; approving and authorizing the allocation of two hundred dollars (\$200) from Ward 3 and five hundred dollars (\$500) from the Mayor, Ward 1, and Ward 4 for a total of one thousand seven hundred dollars (\$1700) from the Community Support Fund, Account No. 001-183-1898-268, to the Tucson Fire Fighters Association for the 11th Annual Chili Cook-off; and declaring an emergency.

This is a request by Mayor Walkup, Council Members Ibarra, Uhlich, and Scott. Allocation of funds is as follows:

Mayor Walkup -	\$500.00
Council Member Ibarra -	\$500.00
Council Member Uhlich -	\$200.00
Council Member Scott -	\$500.00

Kathleen S. Detrick announced this item was being considered separately at the request of Vice Mayor West and Council Member Trasoff.

Vice Mayor West said she would like to contribute to this very worthy cause. The proceeds from the Chili Cook-off go to an adopt a family program which provides for the needs of those families. She said she would like to add five hundred dollars from the Ward 2 community support fund.

Council Member Trasoff said she to would like to add five hundred dollars.

Ms. Detrick stated they had started with seventeen hundred dollars. Plus the additional thousand dollars, brought the total to, two thousand seven hundred dollars.

Council Member Leal announced he would be contributing five hundred dollars to this fund under Consent Agenda Item O.

It was moved by Vice Mayor West, duly seconded, to pass and adopt Item L with the allocation funds in the amount of two thousand seven hundred dollars.

Upon roll call, the results were:

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

Nay: None

Consent Agenda Item L, with the additional funds was declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM N

N. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE VETERANS' AFFAIRS COMMITTEE FOR OPERATION EXODUS

1. Report from City Manager NOV7-06-603(2) WARD 4
2. Resolution No. 20499 relating to Finance; approving and authorizing the allocation of two hundred dollars (\$200) from the Community Support Fund, Account No. 001-183-1898-268, to the Veterans' Affairs Committee to support Operation Christmas Exodus; and declaring an emergency.

This is a request by Council Member Scott. Allocation of funds is as follows:
Council Member Scott - \$200.00

Kathleen S. Detrick announced this item was being considered separately at the request of Vice Mayor West and Council Member Trasoff.

Council Member Trasoff said she would like to add two hundred dollars from her community support fund.

Vice Mayor West said she would like to add one hundred dollars.

Council Member Uhlich said she would like to add one hundred dollars.

Council Member Leal announced he would be contributing two hundred-fifty dollars to this fund under Consent Agenda Item P

Council Member Ibarra said he would also like to add one hundred dollars.

Ms. Detrick announced they had started with two hundred dollars and the total for this item was now seven hundred dollars, plus the additional two hundred-fifty dollars from Council Member Leal in Item P.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Item N with the allocation funds in the amount of seven hundred dollars.

Upon roll call, the results were:

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

Nay: None

Consent Agenda Item N, with the additional funds, was declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM T

T. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO CHAMBER MUSIC PLUS SOUTHWEST

1. Report from City Manager NOV7-06-608(2) CITY-WIDE
2. Resolution No. 20498 relating to Finance; approving and authorizing the allocation of seven hundred fifty dollars (\$750) from the Community Support Fund, Account No. 001-183-1898-268, to Chamber Music Plus Southwest to help defray costs to allow school children the opportunity to attend performances; and declaring an emergency.

This is a request by Mayor Walkup. Allocation of funds is as follows: Mayor Walkup - \$750.00

Kathleen S. Detrick announced the final item to be considered separately was Item T and it was requested by Council Member Scott.

Council Member Scott said she would like to add seven hundred fifty dollars to the Chamber Music Plus Southwest.

It was moved by Council Member Scott, duly seconded, to pass and adopt Item T with the allocation funds in the amount of one thousand five hundred dollars.

Ms. Detrick announced this was to pass and adopt Item T with the amendment, which totaled fifteen hundred dollars.

Upon roll call, the results were:

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

Nay: None

Consent Agenda Item T, with the additional funds, was declared passed and adopted by a roll call vote of 7 to 0.

8. PUBLIC HEARING: ZONING (C9-01-05) WILMOT SHELL LLC - INTERSTATE 10, SH TO C-2, REACTIVATION, TIME EXTENSION, CHANGE OF CONDITIONS, AND PRELIMINARY DEVELOPMENT PLAN, ORDINANCE ADOPTION

Kathleen S. Detrick, City Clerk, announced condition number 26 on the exhibit to the Ordinance 10336 was being replaced with a new condition 26 which read; "Owner developer should design and build out the west half of the MS and RP improvements to Wilmot Road, along the Wilmot road frontage of the site, including appropriate pavement transition beyond the limits of the improved section six foot wide sidewalks and curbing along the westside of Wilmot Road, turn lanes as required by TDOT, an extension of the forty-eight inch CMP with RCP to the west right of way line, said improvements should be coordinated with any improvements required by ADOT".

Mayor Walkup announced City Manager's communication number 600, dated November 7, 2006 would be received into and made a part of the record. He also announced this was a time and place legally advertised for a public hearing on a request regarding property located on Wilmot Road south of I-10. Mayor Walkup asked if the applicant or representative was present and if they wished to make any brief comments before the public hearing.

Michael Baker, Floerchinger Sadler Steele Baker, Inc., said he had no additional comments.

Mayor Walkup said the public hearing would last no more than one hour and speakers were limited to five-minute presentations.

Carolyn Campbell, Coalition for Sonoran Desert Protection, said she wanted to offer a real life example of why the interim wash policy and eventually the Environmentally Sensitive Lands Ordinance (ESLO) were needed. She said there was a travesty that had happened to a pretty long stretch of Rodeo Wash on both sides of Wilmot Road both east and west, and there was a need for the Development Services Department to have the tools to be able to prevent this. But first, she said she supported the applicant and what they were trying to do for three reasons. One was that the Rodeo Wash no longer existed on this stretch, south of their property. Second, they had no part in what had been done through permits that were given to a large development on the

eastside of Wilmot Road and she supported the Condition 1A dealing with the variance to the set back. Ms. Campbell said what he was proposing to do was actually a positive step in native re-vegetation in that set back which would make up a little bit for what had happened to Rodeo Wash.

Ms. Campbell presented an aerial photo from 2005 that showed the dense vegetation along Rodeo Wash both up stream and down stream of Wilmot Road, and it revealed the culvert that was being built. She said her understanding was this section was originally proposed in the rezoning as a proposed new ERZ, but was deleted at some portion of the process, and the developer upstream, which she believed was D.R. Horton, was able to get a permit for the grading and complete de-vegetation and subsequent cement channelization of the wash up stream on the eastside of Wilmot. Photos provide a good idea of what would ultimately happen down stream in Rodeo Wash. The home builder was able to obtain permits for City owned land on the wash upstream and down stream for channelization on other land. Ms. Campbell said she supported what the land owner was proposing to do.

Ms. Campbell said she wanted to close by talking about the moral of the story, which was two things. One was, it was imperative the Mayor and Council give the tools to Development Services soon, and pass the policy tonight. They would be able to put these kind of policies in place and protect washes, which were an important resource. She said the second issue was no matter what was in the policy, there should be flexibility for Development Services staff, for environmental advocates or neighbors and ultimately the Mayor and Council to be creative. She said it was up to the Mayor and Council to sit down with land owners and the Office of Sustainable Development and come up with creative solutions when there were these kinds of problems with washes. She asked them to support the changes in the extension of the time rezoning. Ms. Campbell said she hoped they would adopt the interim wash preservation policy.

Michael Toney said the time spans were so long for a retro grade conformability of that flood plain to what pre-existed, since it was only 2005 when this guy went and did his thing. Sooner or later his property was going to degrade back into something else, something was going to happen to it in the future, whether it was fifty years, sixty years or seventy years. He said he did not think the encroachment should be continued. He had heard someone talk about taking the cement out of the channels. He said that might be practicable in certain situations, but if you take a long view and go back to 1930, it was green all over here, then when the degradation sets in it turns brown; it was devastating. The square footage that was talked about previously was a total of seventeen thousand two hundred thirty-three square feet that was covered by that plan, the prior plan to this one. This one had twenty-five thousand seven hundred ninety-seven square feet that was going to be developed, that was a considerable amount of wash. He said he had not looked at the topology, it would all certainly depend on the situation of the wash plain that it was coming off of, but he said he was assuming a great deal of that was now a road surface and also building tops. If the ground water kept going down, there was not going to be any natural vegetation happening as it there had been in the past. He said he was absolutely amazed at the pictures that were on display at the Board of Supervisors

the other day. He said he wondered why not wait and pass the ordinance first and then pass this, people had already been given a lot of slack. He said he had tried very hard to study the theory of relativity and then had to give up and go back and study electromagnetic theory, back and forth moving to get a foundation back together and then go after the theory of relativity again. He did not see why developers could not do that.

Mayor Walkup asked if there was anyone else who wanted to speak.

There was none.

Mayor Walkup 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 7 to 0 to close the public hearing.

Mayor Walkup asked the City Clerk, to read Ordinance No. 10336 by number and title only.

Ordinance No. 10336 relating to zoning: amending Ordinance No. 10203 to amend zoning conditions and extend the period of compliance from July 2, 2006, to July 2, 2011 for the area located on the west side of Wilmot Road south of Interstate 10 in Case C9-01-05 Wilmot Shell LLC – Interstate 10, SH to C-2; and declaring an emergency.

Council Member Leal said he wanted to thank a couple of people who really helped them get to this point. One was the property owner, Mr. Wifestracks, and also Carolyn Campbell. Ms. Campbell mentioned in the beginning of her remarks that this led to the issue they were going to be discussing later. He said there was something else important about this project that bears on what would be discussed later. That was the quality of the judgement that was exercised to tell the difference between what he did and what those before him did, and not be opportunistic and punish him for what others had done, but to come in and look for not only a sense of justice, but for things to do that would address natural and also developmental needs, attempting to square the best of both worlds as possible. Council Member Leal said he thought this project really reflected that and he believed it showed the potential in terms of our reflexes and our sensibilities that we would take with us into the future to the myriad of things like this that exists around the geography of Tucson. Council Member Leal said he was grateful to Mr. Wifestracks for being the good and reasonable person who he had known for some time. He also said he was grateful for Ms. Campbell interceding and being as helpful as she has been to get us to this point.

It was moved by Council Member Leal, duly seconded, to reactivate the rezoning case, approve a five year time extension, approve the change of conditions as recommended by staff and pass and adopt Ordinance 10336.

Upon roll call, the results were:

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

Nay: None

Ordinance 10336 was declared passed and adopted by a roll call vote of 7 to 0.

**9. FLOODPLAIN, STORMWATER, AND EROSION HAZARD MANAGEMENT:
INTERIM WATERCOURSE PRESERVATION POLICY (CONTINUED FROM
THE MEETING OF OCTOBER 17, 2006)**

Mayor Walkup announced City Manager's communication number 610, dated November 7, 2006 would be received into and made a part of the record. He asked the City Clerk to read Resolution 20430 by number and title only.

Resolution No. 20505 relating to Floodplain, Stormwater, and Erosion Hazard Management; establishing a development standard to implement protection of natural drainage; and declaring an emergency.

Council Member Uhlich announced staff was prepared to offer a presentation and certainly at the request of any colleague that could proceed. She suggested that she would offer a motion and they could continue from there. She said she wanted to note that they all had lots of information that they had looked over. She also offered further reassurance that this was a policy statement they were adopting, it was not new legislation or an ordinance, it was a development standard and statement that was derived from and based upon existing established law. It was to clarify those provisions. The intent here, her intent and the intent of those in support was, to offer clarity and consistency, as well as a level playing field for all developers and they simply could not do that without the clarity they were considering that evening.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Resolution 20505 relating to Floodplain, Stormwater, and Erosion Hazard Management; establishing a development standard to implement protection of natural drainage; and declaring an emergency.

Vice Mayor West announced she wanted to give Council Member Leal a pat on the back because on November 15, 2005 they voted to create an Environmental Resources Sustainable Advisory Committee. They wanted to support the City's efforts to achieve sustainability, and certainly doing this through the urban environmental accord, and this particular interim wash preservation policy makes significant progress on at least two of the accords. One was the area of Urban Nature, calling for protection of critical habitat corridors and other key habitat characteristics. Secondly, the area of Water Action Twenty calls for protecting the ecological integrity of the City's drinking water sources by limiting encroachment into protected riparian areas within the one hundred

year flood plain of the water courses. They could better maintain the ecological integrity of the washes where much of the ground water recharges occurs. She said she had listened and read all the letters from lawyers, but she had a question for Mr. McCrory. She asked if they were over reaching their legal authority in implementing this policy and development standard.

Mr. McCrory, Principal Assistant City Attorney, said this did not exceed the City's legal authority, it was limited to just the authority that was in the flood plain ordinance, both expressly in the regulation and would have to be limited that way by the way it was being adopted.

Vice Mayor West said she thought that was very important and she mentioned a letter Mr. McCrory wrote to a developer who was concerned. It said this only applied to water course and riparian areas as currently regulated and the standard was expressly limited to preservation of riparian habitat within the one hundred year flood plain as currently authorized by the flood plain and erosion hazard area regulations. She asked what was the difference between a policy and an ordinance.

Mr. McCrory said the ordinance would be adopted through full public participation and in a different manner. An ordinance was a legislative manner that would have to be read with other legislative manners, but would supercede any policy. A development standard was legally limited to only clarifying the existing regulations and could not exceed those regulations.

Vice Mayor West said that was a very important point and she was glad it was on the record. She said one of the lawyers that she greatly respected said fifteen pages for a development standard was a bit excessive and she agreed with him. She said they have look at how they were wording these things, and try to get them down. She would not want to be the developer that had to try to comply with these, but on the other hand, she thought it gave developers and those in that industry an opportunity to work creatively with our staff to come up with some projects that were very worthy. At the same time it would preserve an amenity that they all see, and that was the washes. She asked if there were projects that would be grand-fathered in.

Mr. McCrory responded by saying the grand-fathering would follow two existing provisions in the *Land Use Code*, one grandfathers a plat application and tentative plats, at the point of application, as long as they don't expire. The other grandfathers, development plans at the time of application, anything that was on the application in the process would not be subjected to any conflict with this. They would allow provisions, since this allowed for reforestation that could be used at the applicant's request. They also have another provision that expressly states, any ordinance would supercede the development standard, and that would mean a rezoning ordinance, both adopted within the last five years or one adopted in the future.

Vice Mayor West asked about the comments by one of the speakers during call to the audience about the wash being in the middle of a street or something like that.

Mr. McCrory replied they added to the development standard of provision, that the environmental resource report may be waived by Development Services where it was clear none of the provisions were applicable, and they made that expressly clear in the development standard.

Vice Mayor West stated the other point she would like to make was that her predecessor apparently worked on this and after sixteen meetings and a year of deliberating, the committee submitted a report on October 1, 1997, with several attachments that provided a number of recommendations, and it had taken this long to do something about it. She reiterated, that the standard could only explain how existing regulations would be applied, it could not exceed the regulatory authority under which it was established, and she would continue to work with developers in her ward, as she had always had, to preserve washes. She said she had found that they always cooperated with her, she did not think that was going to change one bit.

Council Member Leal thanked everybody who had worked on getting this to this point. Clearly they were talking about similar things in different ways and that was certainly confusing to staff, confusing to the community, confusing to the development community and all that created frustration, loss and denigration of resource. Now they were confronted with an opportunity, to try to bring some resolution to this and they have found themselves under the conflict. One issue was there was a tight window for them to act, so they wanted to err on the side of not having things erode away from them because of Proposition 207. They were acting, knowing that it was not going to change what existed, it would simply interpret and unify. He said Mr Portner, raised a question about Sinclair and obviously the Sinclair project was inordinately important in a whole variety of ways, and he wanted some assurance regarding anything that needed to happen, mitigation, variances, latitude, wiggle-room so that nothing Mr. Portner was fearful of would come to pass. Council Member Leal said he wanted to make sure that there were no unintended consequences. If this was as it was described, things should be fine, and he really wanted this to be the kind of win-win they had talked about.

Mr. McCrory said regarding the grand-fathering issue, Mr. Portner was talking about the Plan Area Development (PAD), which would be adopted by ordinance that would automatically supercede anything in the regulation, as a matter of law, and also it was expressly stated in the Development Standard that it could not conflict with an adopted ordinance. The Sinclair property or the Science and Tech Park would have to go through a similar ordinance process for both original city zoning and he believed they were subsequently looking at a Plan Area Development. Both of those would establish what would be appropriate on that property, and would supercede anything in the regulation, in the Development Standard.

Mike Hein, City Manager, wanted to reiterate what Mr. McCrory had said was very germane. He understood the Sinclair property would submit through ordinance for a Planned Area Development, and he would anticipate that the representatives of that development would contemplate that in their submittal.

Council Member Leal said otherwise they would have a special meeting and would fix this.

Mr. Hein said, as the governing body and policy makers, they could fix a great number of things. Tonight, was about tools and resources and clarification and policies at an administrative level, they get to set the policy.

Council Member Trasoff said first she wanted to applaud Council Member Uhlich for her leadership on this, it was something that had been a long time in coming. Although her colleague referenced Proposition 207, she did not think that really had been pushing them to do anything any more quickly. In reality, the first water course improvement policy went back to 1988, and then in the late 90's, there was extensive work done leading up to the adoption in 2003 of the Storm Water Advisory Committee. This particular process, according to her notes, they first began to discuss bringing this forward on August 3, 2006, and it was put on the agenda for the September 14, 2006 meeting of the Mayor and Council Strategic Area Focus Subcommittee - Environment, Planning and Resource Management (EPRM) that Council Member Uhlich shares. It was discussed in that committee about what needed to be clarified, with the idea of benefiting everybody by bring greater clarity to this. The staff came back with a draft policy on October 12, 2006, to be considered at Study Session on October 17, 2006. At the request of those who were concerned, there was a two week delay, to make sure that they had every final word that they could get. The process began back in the 80's, but even if they just look amore recently, it was at least three months ago that they began discussing this publicly. She said they have tried to be responsive to and open to comments from anybody who was concerned about this, so that their thoughts could be incorporated into what they were doing. She said she believed that was true with the examples that were given already about staff discretion to waive elements of the resources report when they were not necessary, as when a road was where a wash used to be. She said there had been a lot of give and take on this in many ways, and this was a very healthy step for them to be taking for the community.

Council Member Scott said she would like to point out that during the discussion of this interim policy, there have been words used which may or may not have been designed to confuse, but she said in the end, they have been confusing. It was called the Interim Water Course Preservation Policy, but within that there was a regulatory structure very well defined, so now they had something that was a policy with regulatory structure, and what they were passing tonight was a resolution. She thought that was confusing to a lot of people, and perhaps misleading. She thought if they had before them something that she thought she could support, it would be the Environmentally Sensitive Lands Ordinance, which was in the works and projected for the future. Now there were, as had been clarified, very many unanswered questions, and confusions still out there in the public and that did not rest well in her book with regards to constituent sensitivity. There were still some concerns with this policy that had been expressed to her. The concerns include the impact of this policy on the value of privately owned land, not the big pieces, but all the people who own a parcel, a few pieces which they invested in some years ago and they were not here, they have not had input, and they may not have been notified, she had concerns on their behalf that they may find out way to late, that this may adversely

affect their investment. Council Member Scott said her ward was one of the most affected by this policy, and by the way, she had no briefings in her office regarding this from anyone, and some of her constituents including the State Land Department, still did not have a good overall understanding of how it would effect them. She could not in good conscience support this motion as it stands. In addition, she was not pleased with the process that was used where Mayor and Council set policy direction to use the rezoning process, only to have it abandoned and a different direction created, without review, by the full body before implementing the new direction. Lastly, she said she did not believe rushing this policy through in advance of possible approval of Proposition 207 was a healthy choice for a governing body. As elected officials they should be respectful of the choices the constituents and the electorate make on issues that affect City policy. Approving a proposed interim policy tonight, might be seen as an effort to circumvent the wishes of the voters as it relates to Proposition 207, should it be approved. Therefore, out of respect for waiting to learn what the wishes of the voting public would be, she would be voting no on this interim policy. She said she wished it were the Environmentally Sensitive Lands Ordinance, she would approve that.

Before casting his vote Mayor Walkup said one of their jobs was to try be sure that they had a community that comes together on very critical issues and they were hearing a lot of misunderstandings, a lot of concerns from parts of the community. He said he appreciated everything that Council Member Uhlich had done. He appreciated Council Member Leal's comments that they have got some really significant things that were happening all over the City. They must pledge that they have got to work with the development community, the environmental community, be sure that they iron out some of those concerns before they get to the ordinance issue. He said he was prepared to cast his vote "yes" on this, to let this go forward, but there were people out there that were still very concerned. He said he understood that the concerns that Council Member Scott has in her area and he said he thought they had all of that, so this would carry forward a commitment to be sure that they do the right job of getting everybody together on this.

Council Member Uhlich said she appreciated the Mayor's comments and agreed whole heartily. She said she wanted to applaud staff, especially Michael McCrory and Leslie Liberti for their hard work on this. Built into this action was a six month review, so they could assess, and if there were concerns earlier we were trusting staff to bring this back in response to stake holders. Council Member Uhlich said they had done hard work to sort through the concerns expressed and have done their very best and would continue to do so.

Upon roll call, the results were:

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

Nay: Council Members Scott

Resolution 20505 was declared passed and adopted by a roll call vote of 6 to 1.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 588, dated November 7, 2006 would be received into and made a part of the record. He asked if there were any personal appointments to be made.

There were none.

11. ADJOURNMENT: 7:00 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, November 14, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 7th day of November 2006, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:rg/bt