



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on November 25, 2008

Date of Meeting: June 10, 2008

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 6:04 p.m., on Tuesday, June 10, 2008, 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:

Regina Romero	Council Member Ward 1
Rodney Glassman	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Nina J. Trasoff	Vice Mayor, Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Yahya Yuksel, co-founder of TeenDemocrats.org, after which the Pledge of Allegiance was led by the entire assembly.

Roger W. Randolph, City Clerk, announced Susie Rogers 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 275, dated June 10, 2008, 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 Romero thanked Yahya Yuksel, who gave the evening's invocation, for taking part in the Ward 1 Youth Funders Program. She also invited the public to the annual El Día de San Juan celebration that would take place on June 24, 2008. The procession would begin at 5:00 p.m. at the Community Services Department on Commerce Park and Bonita Avenue, and the celebration would continue at the currently vacant Covento cultural plaza site. This was a cultural event that celebrated the start of the monsoon season.
- b. Council Member Glassman, on behalf of the Mayor and Council, expressed their deep sadness over the tragic death of Officer Erik Hite, who was laid to rest earlier that day, and offered their sympathy and condolences to the family and friends of Officer Hite. He also expressed their admiration for what an outstanding man, father and officer Officer Hite had been. He thanked the public for its support and thanked the Public Safety Officers for their touching memorial and tribute to their fallen comrade.

Council Members Uhlich and Scott, and Vice Mayor Trasoff and Mayor Walkup also added their personal condolences to Officer Hite's family and thanked the Tucson Police and community for their support.

- c. Council Member Uhlich applauded the efforts by the Tucson Police Department, led by Captain Neri in conjunction with businesses and community members in the Grant/Alvernon area, which had yielded extraordinary results including the formation of the first Business Watch in the community.

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

Mayor Walkup announced City Manager’s communication number 276, dated June 10, 2008, 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.

Mike Hein, City Manager, echoed the sentiments of the Mayor and Council. He thanked all City employees and also Richard Miranda for his service as Chief and his actions to attend to this tragedy, and announced that as of that day, Kermit Miller assumed command of the Tucson Police Department, and Richard Miranda would continue his service to the City in his new role as Assistant City Manager.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager’s communication number 278, dated June 10, 2008, 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

NOTE: There are no new license(s) scheduled for this meeting.

c. Special Event(s)

NOTE: There are no special events scheduled for this meeting.

d. Agent Change/Acquisition of Control

- 1. Chow Bella, Ward 6
944 E. University Blvd.
Applicant: Eun Min Lee
Series 12, City AC3-08
Action must be taken by: June 21, 2008
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Leal, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5d1 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 items scheduled for a public hearing. Speakers were limited to three-minute presentations.

- a. Yolanda Herrera thanked the Mayor and Council for honoring her father with a copper letter and thanked the community for its support for Officer Hite. She also requested the community refrain from making any negative comments regarding the traffic, which was stopped for the funeral procession, and asked the community to show its support by displaying “Thank A Cop” bumper stickers.
- b. Michael Toney expressed his concerns regarding the extension of Rio Nuevo tax increment financing (TIF) and voiced his support of a downtown arena project.
- c. Joe Sweeney spoke about the impacts of illegal immigration.
- d. James Hannley spoke against a Sun Tran fare increase and expressed the need for adequate and safe bus stop shelters.
- e. Doug Hucker, American Gem Trade Association (AGTA), spoke in support of progress in the hotel, arena, and convention center development plans. He expressed his condolences on behalf of the AGTA to the Tucson Police Department for the loss of Officer Hite.
- f. Mike Gurr, Tucson Police Officers Association (TPOA), commented on recent discussions held by the Mayor and Council on TPOA’s compensation dispute and labor contract resolution.
- g. Richard Basye spoke in favor of alternative projects, such as an aquarium and arena, to revitalize downtown redevelopment.
- h. David Thompson spoke about the need for prioritizing the City’s budget in favor of public safety and infrastructure.

7. CONSENT AGENDA – ITEMS A THROUGH U

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. REAL PROPERTY: ESTABLISHMENT OF A UTILITY EASEMENT ACROSS THE RONSTADT TRANSIT CENTER FOR THE DEPOT PLAZA PARKING STRUCTURE
 1. Report from City Manager JUNE10-08-280 WARD 6
 2. Ordinance No. 10540 relating to real property; authorizing and approving the Declaration of an Easement and Covenant for public utilities in the Ronstadt Transit Center for the benefit of the Depot Plaza Parking Garage; and declaring an emergency.

- B. TUCSON CODE: AMENDING (CHAPTER 10A) RELATING TO THE COMPOSITION AND ORGANIZATION OF THE RESOURCE PLANNING ADVISORY COMMITTEE
1. Report from City Manager JUNE10-08-281 CITY-WIDE
 2. Ordinance No. 10541 relating to boards and commissions; amending the Tucson Code to permit the Resource Planning Advisory Committee to elect co-chairs, rather than a chair and vice chair, and to add the Town of Oro Valley as an ex officio member; amending Tucson Code Sections 10A-201(C) and 10A-203(A); and declaring an emergency.
- C. ASSURANCE AGREEMENT: (S05-187) COPPER VISTA II SUBDIVISION (RCP), LOTS 1 TO 31 AND COMMON AREAS "A", "B", "C", AND "D"
1. Report from City Manager JUNE10-08-284 WARD 5
 2. Resolution No. 20968 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. S05-187 of a final plat for Copper Vista II (R.C.P.), Lots 1 through 31 and Common Areas "A", "B", "C" and "D"; and declaring an emergency.
- D. FINAL PLAT: (S05-187) COPPER VISTA II SUBDIVISION (RCP), LOTS 1 TO 31 AND COMMON AREAS "A", "B", "C", AND "D"
1. Report from City Manager JUNE10-08-285 WARD 5
 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. PUBLIC IMPROVEMENT: EUCLID AVENUE, BROADWAY BOULEVARD TO SPEEDWAY BOULEVARD DISTRICT SIDEWALK AND LIGHTING IMPROVEMENT
1. Report from City Manager JUNE10-08-286 WARD 6
 2. Resolution No. 20952 Resolution providing for the issuance of City of Tucson Improvement Bond, Series No. 824, for the "Euclid Avenue, Broadway Boulevard to Speedway Boulevard District Sidewalk and Lighting Improvement."

Roger W. Randolph, City Clerk, announced the City was waiting for backup documents for this item, but it would not prevent any action from being taken.

F. FINANCIAL PARTICIPATION AGREEMENT: WITH TUCSON YOUTH DEVELOPMENT FOR YOUTH EMPLOYMENT SERVICES

1. Report from City Manager JUNE10-08-287 CITY-WIDE
2. Resolution No. 20969 relating to Financial Participation Agreements; authorizing and approving the FY 2009 Financial Participation Agreement with Tucson Youth Development for youth employment services with the City of Tucson; and declaring an emergency.

G. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE JEWISH FEDERATION OF SOUTHERN ARIZONA FOR THE TUCSON FREEDOM SEDER

1. Report from City Manager JUNE10-08-279 WARD 6
2. Resolution No. 20970 relating to Finance; approving and authorizing the allocation of Four Hundred Dollars (\$400) from the Ward 6 Office Community Support Fund, Account No. 001-183-1898-268, to the Jewish Federation of Southern Arizona for the 3rd Annual Tucson Freedom Seder Event; and declaring an emergency.

This is a request by Vice Mayor Trasoff. Allocation of funds is as follows: Vice Mayor Trasoff - \$400.00

H. ASSURANCE AGREEMENT: (S06-076) GRANT ROAD PROFESSIONAL PLAZA CONDOMINIUMS, UNITS 1 TO 61 AND COMMON ELEMENTS "A", "B", AND "C"

1. Report from City Manager JUNE10-08-282 WARD 2
2. Resolution No. 20971 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. S06-076 of a final plat for the Grant Road Professional Plaza Condominiums, Units 1 through 61 and Common Elements "A", "B" and "C"; and declaring an emergency.

- I. FINAL PLAT: (S06-076) GRANT ROAD PROFESSIONAL PLAZA CONDOMINIUMS, UNITS 1 TO 61 AND COMMON ELEMENTS “A”, “B”, AND “C”
 - 1. Report from City Manager JUNE10-08-283 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.

- J. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR REGIONAL TRANSIT SERVICE IMPROVEMENTS
 - 1. Report from City Manager JUNE10-08-289 CITY-WIDE AND OUTSIDE CITY
 - 2. Resolution No. 20972 relating to Intergovernmental Agreements; approving and authorizing an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County (RTA) for the Regional Seamless Fare System and Transit Rebranding Campaign; and declaring an emergency.

- K. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR IMPLEMENTATION OF THE BICYCLE LANE PROJECT
 - 1. Report from City Manager JUNE10-08-295 CITY-WIDE
 - 2. Resolution No. 20973 relating to Intergovernmental Agreements; approving and authorizing an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County for implementation of the Bicycle Lane Project, Package 2; and declaring an emergency.

L. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO ARTS EXPRESS FOR THE ANNUAL *LET FREEDOM SING* PERFORMANCE

1. Report from City Manager JUNE10-08-297 MAYOR AND WARD 2
2. Resolution No. 20974 relating to Finance; approving and authorizing the allocation of Five Hundred Dollars (\$500) from the Mayor's Office and Five Hundred Dollars (\$500) from the Ward 2 Office Community Support Fund, Account No. 001-183-1898-268, to Arts Express for their annual performance of Let Freedom Sing; and declaring an emergency.

This is a request by Mayor Walkup. Allocation of funds are as follows:

Mayor Walkup – \$500.00
Council Member Glassman - \$500.00

M. BOARDS, COMMITTEES, AND COMMISSIONS: EXTENDING THE SUNSET DATE AND AMENDING THE COMPOSITION OF THE OUT OF SCHOOL PROGRAM TASK FORCE

1. Report from City Manager JUNE10-08-299 CITY-WIDE
2. Resolution No. 20975 relating to Boards and Commissions; amending Resolution No. 20813 to extend the Out of School Program Task Force's sunset date from June 1, 2008 to either February 1, 2009 or the date upon which the Task Force furnishes its final report, whichever is earlier, and to add a representative of the Arizona Department of Health Services as a non-voting, ex officio member; and declaring an emergency.

N. GRANT APPLICATION: TO THE U.S. FEDERAL TRANSIT ADMINISTRATION FOR A JOB ACCESS AND REVERSE COMMUTE PROGRAM

1. Report from City Manager JUNE10-08-293 CITY-WIDE
2. Resolution No. 20976 relating to Transportation; authorizing and approving the execution of a Federal Transit Administration (FTA) Section 5316 Job Access and Reverse Commute Program Grant Application (Federal Fiscal Year 2006 Funds) Grant AZ-37-X009 in the amount of \$441,408; and declaring an emergency.

- O. GRANT APPLICATION: TO THE U.S. FEDERAL TRANSIT ADMINISTRATION FOR THE NEW FREEDOM PROGRAM
1. Report from City Manager JUNE10-08-294 CITY-WIDE AND OUTSIDE CITY
 2. Resolution No. 20977 relating to Transportation; authorizing and approving the execution of a Federal Transit Administration (FTA) Section 5317 New Freedom Program Grant Application (Federal Fiscal Year 2006 Funds) Grant AZ-57-X004 in the amount of \$11,874; and declaring an emergency.
- P. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY FOR AN EMERGENCY FLASHER SIGNAL FOR FIRE STATION 17
1. Report from City Manager JUNE10-08-296 WARD 4
 2. Resolution No. 20979 relating to Intergovernmental Agreements; approving and authorizing an Intergovernmental Agreement between the City of Tucson and the Regional Transportation Authority of Pima County for Various Signal Technology Projects-Fire Station 17 Emergency Flasher Project; and declaring an emergency.
- Q. MAYOR AND COUNCIL: AMENDING THE 2008 MAYOR AND COUNCIL MEETING SCHEDULE
1. Report from City Manager JUNE10-08-300 CITY-WIDE
 2. Ordinance No. 10542 relating to administration; amending Section 1 of Ordinance 10484, which approved a schedule of Mayor and Council regular meeting dates for 2008, to reschedule the regular meeting date of June 24, 2008 to June 25, 2008; and declaring an emergency.
- R. TUCSON CODE: AMENDING (CHAPTER 20) RELATING TO SPEED LIMITS, UPDATING CITY TRAFFIC ORDINANCES
1. Report from City Manager JUNE10-08-292 CITY-WIDE
 2. Ordinance No. 10543 relating to motor vehicles and traffic; repealing Ordinance No. 10408 adopted June 12, 2007; designating current streets or parts of streets where thirty miles per hour speed limit is imposed, pursuant to Section 20-140 of the Tucson Code; and declaring an emergency.

3. Ordinance No. 10544 relating to motor vehicles and traffic; repealing Ordinance No. 10409 adopted June 12, 2007; designating current streets or parts of streets where thirty-five miles per hour speed limit is imposed, pursuant to Section 20-141 of the Tucson Code; and declaring an emergency.
 4. Ordinance No. 10545 relating to motor vehicles and traffic; repealing Ordinance No. 10410 adopted June 12, 2007; designating current streets or parts of streets where forty miles per hour speed limit is imposed, pursuant to Section 20-142 of the Tucson Code; and declaring an emergency.
 5. Ordinance No. 10546 relating to motor vehicles and traffic; repealing Ordinance No. 10411 adopted June 12, 2007; designating current streets or parts of streets where forty-five miles per hour speed limit is imposed, pursuant to Section 20-143 of the Tucson Code; and declaring an emergency.
 6. Ordinance No. 10547 relating to motor vehicles and traffic; repealing Ordinance No. 10412 adopted June 12, 2007; designating current streets or parts of streets where fifty miles per hour speed limit is imposed, pursuant to Section 20-144 of the Tucson Code; and declaring an emergency.
- S. INTERGOVERNMENTAL AGREEMENT: WITH TUCSON UNIFIED SCHOOL DISTRICT FOR IMPROVEMENTS AT GRIJALVA ELEMENTARY SCHOOL
1. Report from City Manager JUNE10-08-288 WARD 1
 2. Resolution No. 20978 relating to Intergovernmental Agreements; approving and authorizing the execution of an Intergovernmental Agreement between the City of Tucson and Tucson Unified School District No. 1 for improvements at Grijalva Elementary School; and declaring an emergency.
- T. APPROVAL OF MINUTES
1. Report from City Manager JUNE10-08-303 CITY-WIDE
 2. Approval of minutes for the regular meetings of the Mayor and Council held on January 23, 2008 and February 5, 2008.

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

U. PREDEVELOPMENT AGREEMENT: WITH GARFIELD TRAUB DEVELOPMENT LLC AND THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR THE DOWNTOWN CONVENTION CENTER HOTEL

1. Report from City Manager JUNE10-08-301 WARD 6
2. Resolution No. 20980 relating to Rio Nuevo; authorizing the Mayor to execute an Agreement on behalf of the City of Tucson with Garfield Traub Development and the Rio Nuevo Multipurpose Facilities District for the Predevelopment Services for the Downtown Convention Center Hotel; and declaring an emergency.

It was moved by Vice Mayor Trasoff, duly seconded, that Consent Agenda Items A through U, with the exception of T, which would be discussed separately, be passed and adopted and the proper action taken.

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

Nay: None

Consent Agenda Items A through U, with the exception of T, which would be considered separately, were declared passed and adopted by a roll call vote of 7 to 0.

7. CONSENT AGENDA – ITEM T

T. APPROVAL OF MINUTES

1. Report from City Manager JUNE10-08-303 CITY-WIDE
2. Approval of minutes for the regular meetings of the Mayor and Council held on January 23, 2008 and February 5, 2008.

It was moved by Council Member Uhlich, duly seconded, to amend the minutes of February 5, 2008 to indicate Council Member Uhlich also added one hundred dollars to Consent Item G, Community Support Fund Request.

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

Nay: None

Consent Agenda Item T, as amended, was declared passed and adopted by a roll call vote of 7 to 0.

8. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTERS 23 AND 23A) THE *LAND USE CODE* AND DEVELOPMENT COMPLIANCE CODE; RELATING TO THE NEIGHBORHOOD PRESERVATION ZONE

Mayor Walkup announced City Manager's communication number 302, dated June 10, 2008, 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 the establishment of a neighborhood preservation zone. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Colin Zimmerman, representing the Tucson Association of Realtors, said that although the Association of Realtors was not taking a specific stance on the Neighborhood Preservation Zone (NPZ) issue, the Association supported historic preservation in the City of Tucson and they applauded any attempts by the Mayor and Council to support the historic and cultural identify of Tucson. He wanted to point out a couple of perceived issues that the Association had seen regarding the NPZ.

Mr. Zimmerman said he had six points he would go through. The core issue the Tucson Association of Realtors had was with private property rights and the concern that the NPZ would create issues in the future for private property rights. Mr. Zimmerman said the Association wanted to make sure private property rights were at the center when making decisions about the NPZ and everything that came from that. He said they also felt that infill building in the City of Tucson was core. Continuing to encourage infill building and limiting sprawl should be fundamental to the Mayor and Council's goals. He said the Association felt the NPZ might discourage that and might push prospective builders out into the county and then to underdeveloped areas, and they wished to discuss this.

Mr. Zimmerman said they were concerned about the Regional Transportation Authority (RTA) and the effect the NPZ would have on the RTA. The budget was already set by the RTA. They were worried that the increase in historic districts might lead to a decrease in budgets from the loss of property taxes. He said when a

neighborhood became a historic district, property taxes were cut in half, and he asked how that would affect the City's budget in the future. The Association, he said, did not feel the criteria for becoming an NPZ was clear. Lastly, they feared this might open up Proposition 207 lawsuits to the City, and their concern was how that might affect the budget and future operations of the City. He concluded by saying historic districts were very good, and the cultural identity of Tucson was great, but he asked the Council to proceed with caution, and make sure what the Council did would not have unintended consequences for the City of Tucson.

Richard Studwell said this ordinance was not about historic preservation. Tucson had an excellent historic preservation ordinance and had it for many years. It required a majority of neighbors to ask for inclusion in an historic zone. This ordinance was very transparent. It was an attempt by a couple of Council Members to create a specific conduit for a handful of neighborhood malcontents to disturb any change, or any new construction, in any neighborhood.

Mr. Studwell said he sat on a stakeholders committee, which was ignored. He said he submitted comments to the Planning Director, but he did not receive a reply. The Planning Commission was ignored and the ordinance was altered by staff after the Commission's review. He said this did not meet the Council's previous direction to staff. He added the process was very transparent and this draft allowed any neighborhood in the City, now or in the future, to create a design manual.

Mr. Studwell said if the neighborhood at Houghton and Broadway was lacking a historic building, it would be okay because the ordinance required one to look to the nearest historic building no matter how far away. That might be in Fort Lowell, but this ordinance would require the new buildings to look like the nearest historic building. He asked if that fact alone was an embarrassment to the Mayor and Council for being asked to consider passing the NPZ ordinance.

Mr. Studwell said two neighborhoods were already standing in line, including Feldmans, which was north of Speedway between Park and Stone. Thirty-one people in the neighborhood applied, but there were seven hundred and twenty-six properties in Feldmans neighborhood. He owned one. He said he was not asked if the neighborhood should apply. He asked if thirty-one people constituted a mandate.

Mr. Studwell said the neighborhood turned down the City's offer to provide mailing labels to inquire if property owners wanted to be included in a NPZ. The neighborhood turned down an opportunity to ask property owners if they wanted to be included. He asked why the Mayor and Council thought the neighborhood did that. He asked if it could be that the neighborhood feared it would get a "no answer" like it did when it tried to form a City historic district.

Mr. Studwell said Feldmans Neighborhood was seventy-nine percent renter occupied. He asked if renters did not get a vote. He asked if rental property owners did not get a vote. Owner occupants already received a fifty percent property tax reduction in

Feldmans Neighborhood. Tenants and rental owners did not receive this, so tenants paid more to live there. He said it was a scam and a financial imposition on those who could not afford to buy a home. From a “green” prospective, he asked the Mayor and Council to look at what the ordinance did. It inhibited density. It punished students who wanted to live near the University and filled the roads with cars and the sky with smog by pushing students further from campus. It put more cars on the road and made mass transit far less viable. Coupled with the demolition ordinance, this significantly decreased property values in those neighborhoods and he said he had letters from several well-respected appraisers to support that contention. It made “green” building less viable because retrofitting 1950 and 1960s era buildings cost several times more than building new. Mr. Studwell said the latest *Money* magazine article had some numbers on that.

Mr. Studwell stated every one hundred new homes would provide enough funding to close ten percent of next year’s City budget deficit or fund 2.5 new police officers. These one hundred homes would reduce the amount of carbon dioxide released into the atmosphere annually by hundreds of tons. He said Jefferson Park, the second neighborhood in line for this program, had about twenty people that were calling the shots. They had a steering committee for their plan, comprised of six owner occupants and one non-owner occupant, no tenants, no rental property owners, and no students. He said they would not let him on the committee when he applied even though he owned properties in that neighborhood longer than almost every one of them.

Mr. Studwell said the fact of the matter was that no one alive lived in the neighborhoods by the University of Arizona (UA) before it was built and now they were surprised that students wanted to live there. This issue was all about anger with college students, and the timing of this hearing was not a coincidence since it was summer vacation. Former UA students had become leaders in many fields: medicine, science, business, and government, to name only a few. He asked the Mayor and Council to consider the code violations in Jefferson Park, and to also consider the building additions without permits. There were dozens of junked cars and overgrown weedy yards. He told the Mayor and Council to drive the alleys if they did not believe him. He said these were the hypocrites. They should be prosecuted but instead they were being empowered and he asked if this was a transparent process. People would not believe that what the Mayor and Council were doing was for the best of the whole community. People would not be fooled by high-handed promises.

Mr. Studwell said the Council created an infill incentive district two and half years ago but not one project was ever approved. The Mayor and Council had promised density along major transportation corridors but not one action had been taken to allow this. The Mayor and Council had promised a mixed-use zone, but not one thing had been done to even allow mixed-use. He said he had proposed a mixed-use project with Live Work Art Studios and Retail by Stone and Sixth and he needed six variances and had not asked for a dime of subsidy.

Mr. Studwell said every variance was procedurally defeated by City staff member and if he had proposed the same project in Tempe, every one of those variances would

have been mandated. Mandated versus forbidden, he asked who had the better city to show for it. He said the Mayor and Council should be embarrassed by the fact that Tucson was literally the only city on this planet that prevented the innovative ideas of mixed-use development. He added the Mayor and Council should be more than embarrassed, they should be humiliated enough to put the ordinance in the trash to express their disgust.

Karolyn Kendrick, co-chair of the Feldmans Neighborhood Preservation Committee, said she had just heard a history about mailing labels being denied and people turning down a historic preservation zone (HPZ) and all sorts of things that she did not recognize. She said it was a history she did not recognize and she was there. She said she wanted to turn the discussion around and thank the Council for considering the ordinance. It stemmed from a long process involving neighborhoods, development interests, and experts in the Planning Department. She said she wanted to especially thank Council Member Uhlich for getting this going. She said she thought that one of the things that came out of this long process of stakeholder meetings was that everyone now understood that neighborhoods were not standing in the way of mixed-use development.

Ms. Kendrick said that Feldmans Neighborhood had submitted lists to the Planning Department of places where it would love to see mixed-use development. There were appropriate places for everything and there were inappropriate places to do things. She said she thought the ordinance, whatever its weaknesses, was a real step in preserving the integrity of the visual character of neighborhoods and of helping Tucson to preserve a part of its living history.

Ms. Kendrick said there were a couple of things about the ordinance she wanted to urge the Council to understand. Without the Mayor and Council's willingness to adopt dimensional, spatial, and access standards as mandatory, this whole process might well be almost futile because if they were just recommendations, the neighborhoods had no ground to stand on. She urged the Mayor and Council to do this.

Ms. Kendrick said there were historic districts around the country. There were historic districts in the City where standards were adopted and she said she thought the Mayor and Council should not be afraid of Proposition 207, or anything else, in doing that. She thanked the Mayor and Council and said hoped they would adopt the ordinance. She said they really needed it in the neighborhood. She also added that the historic neighborhoods were subject to a slow process of blight by mini-dorm developers who had no interest in the neighborhood or in preserving the character and integrity of it, and she said she thought the ordinance might help mitigate that.

Diana Lett, past president of Feldmans Neighborhood Association and co-chair of the Feldmans Neighborhood Preservation Committee, said she would preface the remarks she had planned with some statements about what Feldmans Neighborhood was and was not. As Ms. Kendrick pointed out, they were not 'N.I.M.B.Y.s' (not-in-my-backyard.) They were not opposed to mixed-use infill and they were continuing to work with the Urban Planning and Design Department to identify additional areas where mixed-use

infill would be appropriate in their neighborhood and throughout the City. Their feeling about this was that mixed-use infill was appropriate on vacant lots and distressed commercial properties, of which there were many in Feldmans Neighborhood.

Ms. Lett said it was not appropriate on sites that contained contributing structures to a historic district, and Feldmans Neighborhood was a National Register Historic District. There was an established district called the Speedway-Drachman district and, now in front of the park service, a pending expanded district called the Feldmans Historic District. Feldmans Neighborhood was not, contrary to what Mr. Studwell stated, a neighborhood that was un-welcoming to students. She said she had served as president of the neighborhood association while she was a student. She said they were also not un-welcoming to renters and she pointed out their current neighborhood association president was a renter.

Ms. Lett said they had always been very, very clear that membership in their neighborhood association was open to all renters, property owners, and business owners within their neighborhood boundaries. She said they had exerted themselves in every possible way to make all of their processes regarding the NPZ open processes. They had monthly meetings that were open to the public and they had a monthly newsletter that went to every residential address in the neighborhood. They also had a list service. All neighbors, property owners, and business owners were welcome to communicate with them via any of these three modalities.

Ms. Lett said, in reference to the NPZ enabling ordinance itself, they supported the ordinance, but with some caveats. What was really needed in their neighborhood was two things: they needed a stop to demolition of contributing structures in their historic district; and they needed mandatory requirements that new construction be compatible with the existing historic contributing structures. She said they felt the NPZ enabling ordinance was a first step in the right direction but it was not all they had hoped for. It was obviously a compromise between the competing interests of preservationists and the development community. She said they saw some very specific problems with the enabling ordinance in that it did not clearly provide a road map for how mandatory standards might be arrived at. It simply said the Mayor and Council might adopt mandatory standards and unfortunately the sections that addressed the issue were very poorly written and particularly the lack of clarity was due to the confusing language of *Land Use Code (LUC) Section 2.8.11.7.B.1.A*

Ms. Lett said to the best of her understanding, and she was not a sitting member of the NPZ stakeholders committee, this section was supposed to allow for standards less restrictive than those in the current *LUC* if such standards would promote historically compatible development or a “green” development. She said she did not think the language of the current draft ordinance was clear on this point, and there were some other areas where it was not quite as clear as one might hope. She said there were some contradictory definitions of what constituted a contributing property. *LUC* Sections 6.2.3 and 2.8.11.2 were not consistent about what a contributing property was. She said she believed both sections should say that they were talking about contributing properties

within national register historic districts, not historic preservation zones. So this ordinance was certainly not without its flaws, but overall she said she believed that it was a move in the right direction and Feldmans Neighborhood supported it and encouraged the Mayor and Council to vote in favor of it.

Rick Bright, representing the American Institute of Architects, said a year ago a stakeholders committee was created, and it was a very diverse, well represented group of individuals. It had developers, neighborhood people, University Medical Center (UMC) representatives, UA representatives and was about as well a representative committee as could be created. The committee had meetings over the last summer and although they did not come up with any directions for policy change, one thing they did was identify the problem and the whole purpose of the NPZ ordinance. He said he thought there were eight pages of identified problems, of questions, and proposed solutions. All of them were very good, but he said he thought the first problem that was identified was in one sentence. It summed up everything as well as could be in one sentence, it said neighborhoods needed to be preserved while providing housing for students. So, the real problem was student housing.

Mr. Bright said he had heard numbers like twenty-eight thousand students needed to be accommodated and so there were two issues here. Neighborhoods were being encroached on and they wanted to preserve the character of the neighborhoods and they needed to address where students would be put.

Mr. Bright said what happened was preservation of the neighborhoods had been addressed, but no one had addressed what to do with the students. It was like a balloon. If one squeezed in on one neighborhood to get control, the air had to go somewhere. He said his concern was there had been some changes in the language that seemed to some to be minor, but he said he thought it was major. He said he thought what the Mayor and Council would find as they started implementing this on the adjacent neighborhoods to the UA, the next ring of neighborhoods were going to be concerned because now the development was going to encroach into their neighborhoods. Those neighborhoods would go to the Mayor and Council and say they needed some protection. The Mayor and Council would feel compelled to protect that neighborhood, and on, and on, and on. Then pretty soon the entire City of Tucson would be under this ordinance and development would move to the perimeter of Tucson which was not sustainable. It was not "green." It was just not a good sustainable policy. He said they were missing a big piece of this in not identifying where to put student housing and it would create problem, after problem, after problem.

Mr. Bright said he had some discussions with Albert Elias, Urban Planning and Design Director, on some of the language, and quite frankly Mr. Elias thought it was minor, but given the situation that no one had addressed the second part of this, language became critical. He said he thought they would drive development out of the City to the perimeter, which was completely opposite of what was needed with rising fuel costs, the energy situation, global warming, and all the issues they needed to be thinking about such as increasing density, making compatible livable communities, and all the issues. By

only addressing one part of the issue they were making the situation worse, not better. He recommended the ordinance go back to committee so they could take another look at some of the rewording and see if they could address the student housing issue.

Bob Schlanger, Vice President of the Jefferson Park Neighborhood Association, said he was a member of the stakeholders committee. He said he felt at the time when he bought in Jefferson Park that he was contributing to a responsible lifestyle, not sprawl. He said he could have bought out in the county on acreage but he felt it was more responsible to live in the City. He said his property was zoned R-1, that was defined as single family residential, and if he woke up one morning, as the current code allowed, and found two homes on the property next door, with twelve bedrooms housing between twelve and fifteen transient students, he would feel like the City had failed in its responsibility to protect his property rights.

Mr. Schlanger said there had been a lot of talk about housing students and he did not feel that the most efficient way to house students was to destroy the inner city neighborhoods. Dormitories were needed. They needed things like Stone Avenue Standard next to the Bum Steer on Stone. That was perfect student housing.

Mr. Schlanger said there was a tremendous need for high quality housing around the University for University employees. If they were going to have a premier educational institution, those people were going to want to live in a decent neighborhood and in these times they were going to want to walk to work or bicycle to work. He said he thought they needed to preserve those neighborhoods for that purpose. It was a more stable population. It was not transient and it was a better use of that space.

Mr. Schlanger said having said all that, the NPZ was an imperfect thing, but they were under siege. They needed something. He said they could not wait another year or two for something to be developed so he thought there were benefits to this tool. He said he thought it would be useful and he would like to see it passed. He said to echo some of the other comments, he thought they needed some mandatory standards, not optional. He said to paraphrase Council Member Leal, they would like to participate in their own destiny. He said he strongly advised there be some mechanism to allow the neighborhoods some involvement in the design review process. He said he did not think that should be left to the professionals and staff, and then all of a sudden, surprise-this was what they got. He said he was not suggesting they neighborhoods have veto power, but they needed to be involved in the process so they saw what was going on, so if something was very wrong, they had an opportunity to throw up a red flag.

Daniel Williams, Ward 1 appointee to the Planning Commission, said during the NPZ review process numerous stakeholder meetings were held with input from all parties, including the development communities, businesses, neighborhoods, and all the stakeholders that really wanted to make a difference. With that input, the Department of Urban Planning and Design crafted a polished compromised version of the NPZ for the Planning Commission's consideration.

Mr. Williams said during the Planning Commission's public hearing, it was apparent to him that a balance of all the stakeholders had been struck in the staff version of the NPZ based on the comments they had received. He said they would never have anything perfect. There would always be people who wanted changes to it no matter what anyone did, but he said he felt it was extremely well balanced. Weighing all the facts, the Planning Commission unanimously passed the NPZ to Mayor and Council for consideration after all its concerns were addressed.

Mr. Williams said he had heard through the public hearing process that night that the Planning Commission did not get its concerns addressed by staff, but that was not the truth. The Commission had good dialogue with it. It had all of its concerns addressed and the Commission agreed with the final product. He said the code change gave clarity to all parties, which was specifically asked for by the development community. Clarity would benefit all. With clarity the developers were able to get their plans through quicker. They were able to get the process along because it was spelled out what they were to do.

Mr. Williams said compatibility was another major concern in crafting the code change. The NPZ had a designated process written in it to ensure neighborhood compatibility was achieved. That was the whole idea. It was to make sure that whatever was built was compatible and was something everyone could be proud of.

Mr. Williams said after the Planning Commission passed the NPZ to Mayor and Council for consideration, staff made a few minor changes to it. In reviewing those changes, staff addressed comments by the Planning Commission, one of them was his comment, and further polished and clarified the code change. He said he believed the current version of the NPZ had been studied to the full extent possible. It was well crafted and a balanced code change and he urged the Mayor and Council to pass it as it was written. He said he hoped the Mayor and Council did not "throw the baby out with the bath water." There had been many great opportunities lost in the City of Tucson and he said he hoped this was not another one.

Alice Roe said she lived in the Blenman-Elm Neighborhood, which was one of the opted-in neighborhoods. She was the President of the neighborhood association and said she supported this ordinance because she did not think they had anything else. The *Land Use Code (LUC)* had failed their neighborhood in terms of helping her neighbors be comfortable with what was built next to them. She said they had out-of-state builders and investors coming and they were creating little two bedroom houses into four, five, six bedroom houses with only the minimal parking that the zoning code currently required. She said they did not believe it was going to be adequate at that point. She said compatibility was what they were really talking about for the ordinance. It was trying to make the houses that were being converted to various kinds of uses into something that was compatible with the neighborhood that was there.

Ms. Roe said what protected neighborhood property values was when the house next door looked compatible with one's own. It was more or less the same size, more or

less the same lot coverage, and it was not overbearing with the garage in front when all the neighbors garages were in back. That was what compatibility was about. She said they really appreciated the opportunity to have worked with people. She said she was on a stakeholder committee.

Ms. Roe said this was not a perfect ordinance. It was not all that she would have liked, but it was better than nothing. She said she thought they should give it a try because after all, it was just enabling legislation. They were not even there yet. She thanked the Mayor and Council and urged them to pass the ordinance.

Brent Davis, Executive Director of the American Institute of Architects, said he wanted to make a couple of comments about the ordinance. Not so much about the substance, although he was interested to find Ms. Lett spoke earlier, and he thought she was in favor of it, but he said there were some issues that needed to be looked into. He said maybe clarity or contradictions, he was not quite sure, but to him it was a red flag when somebody who supported it said was not ready.

Mr. Davis said he wanted to talk about the process. He said it seemed to him that the Planning Commission made a recommendation to the Mayor and Council on a version of the ordinance. He said he spoke with Albert Elias, Planning Director, and asked him if this was what the Commission recommended. He said he asked if changes were made between the time the Planning Commission forwarded the document to the Mayor and Council and that night. Mr. Davis said the answer was “Yes, there were changes made.”

Mr. Davis said he thought that was problematic in his mind. He said he thought someone ought to ask the Planning Director if that was the case, and if the changes were minor or if they were substantive, because he thought there was a definitional issue there. He said if the answer to that question was “yes,” on that basis alone, in his opinion, it should go back to the Planning Commission. He said he saw this as a major problem.

Mr. Davis said there was a disconnect between what the citizens’ committees were recommending and what was coming to the Mayor and Council on the agenda. He said if that was the case, somebody should ask that question, then he believed it ought to go back. He said that did not mean it ought to be defeated necessarily. It did not mean it ought to be approved. It just ought to go back so everybody was on the same page and he said he thought that spoke of a dangerous precedent. He asked if it happened here, was it happening on other issues.

Mr. Davis said for his remaining three minutes he would like to tell the Mayor and Council about all the problems with the *Land Use Code*, but he would not. He said the great god of planning needed to help them in the *Land Use Code*. If the *Land Use Code* did not get fixed they would have a center City that just died. He said he lived in the central City and no one could build a thing anymore in the central City, and that would be a shame, but he would not get into that. He said he would reserve his time for that later.

Mayor Walkup announced that was the last request to speak he had. He asked if there was anyone in the audience who wished to speak on this issue.

Michael Toney said there had been a very interesting presentation at the last Planning Commission meeting concerning the issue of certificates occupancy, which he said he thought Vice Mayor Trasoff had brought up. He said he thought she surmised the essence of it. The difficulty with these was the fact that certificates of occupancy were geared to the *Land Use Code*, not to the zoning of the property, which he said he thought, as Mr. Elias brought up, was extremely problematic.

Mr. Toney said what he thought was necessary was a little study of the linear algebra of the matrix setting up the different kinds of land uses within the zoning and having the kinds of transitions. He said they needed to be able to show people what they had to do to convert the use of a property because at present occupancy was based on use and it was apparently very difficult to work with that. He said as far as the students, there had to be an end growth. The UA could not keep growing. There was not enough money to do that and he said he thought there was a point they had to quit expanding if they wanted sustainability and conservation.

Mr. Toney said he did not think the Mayor and Council would expand Grant Road again, because of the situation with gas and the extensive use of rubberized asphalt. He said they were creating a heat island and it was getting pretty bad with the weather and the water.

Mr. Toney said he thought Mr. Studwell had an interesting point about the transformations of architecture, but that would be up to the neighborhood and the vested rights that the neighborhoods would have in terms of equity. They neighborhoods did not want somebody to come in and do higher density within the neighborhoods and disturbing that kind of equanimity the neighborhoods had with what was there and they were living within the situation for several years. He said that would be a question of rezoning and upzoning, and he said that was not something subject to a Proposition 207 attack.

Ron Michaels said he had not come to speak, but he had been listening to some of the things the other people had said and he thought it would be a good opportunity for him to clarify a couple of things. He said most of the Mayor and Council knew him and they knew that he was very reluctant to talk. He said there were a couple of things that needed to be made clear.

Mr. Michaels said he had heard people, from the various neighborhood associations, say "we." He said the use of the word "we" was very curious because when one talked about "we," and he asked what did that mean. He said it suggested the entire neighborhood was behind a particular movement, point of view, philosophy, or concept, but in reality that was not true.

Mr. Michaels continued that it was the neighborhood association. The neighborhood association was comprised of maybe a dozen, fifteen, or twenty people. That was it. He said he was asked to attend one of the meetings of the board. He said he had never attended one. He came to Tucson in 1948 with his parents. They bought a home and they had lived in Chicago and he still lived in that same home today. He had raised his family there. They had all have gone to school in Tucson and they were delighted.

Mr. Michaels said he came back to Tucson from New York a number of years ago and planted himself here and decided to stay and he had watched the transitions going on. He said there was an incredible metamorphosis that was happening and unfortunately one of the things that was going on was there were a lot of people who were inditing the idea of providing someplace for students to live. He said that was really not the whole story. He said he knew because he had listened to the people talk. He had sat and listened very dutifully, very attentively, because he was trying to learn. He said he happened to believe in the democratic process as everyone did, but this was not a democratic process.

Mr. Michaels said he was told that there was some neighborhood business that was going to be done and was going to be implemented by the neighborhood board so he went and listened. He said it turned out that they were going to do some things that he had no problem with but he asked if that was what the community represented and the neighborhood board said "Yes, of course." He said he asked how many votes they had that said the neighborhood was willing to go along with this, and the board said it had the majority. He said he asked them, what did that mean. Mr. Michaels said they said it was the majority of the community. He said there were seventeen hundred households in his neighborhood of Blenman-Elm. Of those seventeen hundred, he said he thought it was kind of curious a majority of those people had been polled and actually responded, but who had an argument with that.

Mr. Michaels said he decided to find out so he spent his own money and invested in a mailing to all the people in the neighborhood. He said he got the names and the addresses of everybody in the neighborhood and sent a questionnaire out saying this was what the board was planning to do and asked if they agreed. He asked if they wanted to do this or if they did not want to do this.

Mr. Michaels said within one week, he had six hundred responses of people who said it was the dumbest thing they had ever heard of. He said when he went back to the board and said wait a minute, this was not accurate. He said he asked them what did they mean they had the majority. He said he told the board he had six hundred people who said they never received the notice, and they thought it was kind of dumb. How could they move forward and say they had the majority.

Mr. Michaels said they agreed on a compromise. He said he was not trying to create any trouble but they agreed on a compromise. The compromise was very simply that the board could mail to the same list. They would get the responses back on their

own and then they would give Mr. Michaels the responses to correlate with the responses he had received.

Mr. Michaels said unfortunately the e-mail addresses got mixed up, so the board was sending him e-mails that said "Make sure he does not get this one," because it laid out the strategy for everything. He said the board was reporting numbers that he finally had to prove, for his own peace of mind, were false. He asked "How did I do that?" He said the board did not want to give him the responses, so he said okay, that was fine. He sent it back out again at his own expense. He said the board then said they would give him the responses. He said from the responses they gave him, he went to everybody else who supposedly had voted against it or for it, and asked them whether or not they had received the re-mailing from the board. Fundamentally, what it demonstrated was the board had sent the questionnaire to people who were on their side and eliminated the people who were opposed.

Mr. Michaels said when he went back to the board and presented that to them, they were very irritated, and their e-mails back and forth between them showed that he was a just a troublemaker. He said he could walk into one of the board meetings and if he was not armed he was taking his life in his own hands. He said the board was made of folks who had nothing else to do. That was it.

Mr. Michaels said he did not know if the Mayor and Council went to school the way he did, but he said he did not want everybody to be the same as his house. He said he wanted people to have their freedoms. He said he did not want to have anyone legislate what he could do with his property. He said he wanted to be able to drive his car and have his house. He had his house since 1948 and asked if the Mayor and Council were going to tell him how he could use it or not use it, whether he could tear it down or not tear it down, and what he could build in its place.

Mr. Michaels said he did not care whether the kids at the University of Arizona had a place to live. That was not his concern. He said his concern was that the word of a few people, fifteen or twenty people, was taken and then translated and presented to the Mayor and Council as if it was "we," the majority. He said there were thirty people in one meeting at the school who voted for this, and when they were asked how they could take this as a mandate, they said everybody had an opportunity to show up. He said he asked why they did not just mail it to the neighborhood and find out. That was not what interested them. He said there was a problem. The Mayor and Council wanted to pass this legislation, and if that was what they wanted to do nobody was going to stop them, but if they did it, he said in his judgment they were making a big, big mistake.

It was moved by Vice Mayor 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 10548 by number and title only.

Ordinance No. 10548 relating to planning and zoning; amending the Tucson Code, Chapter 23, Land Use Code, Article II, Zones, Division 8, Overlay Zones, by adding a new Section 2.8.11, “N” Neighborhood Preservation Zone (NPZ); Amending Article V, Administration, Division 1, Powers and Duties by adding a Design Professional designation; Amending Article VI, Definitions, Division 2, Listing of Words and Terms, by amending the definition of “Contributing Property” in Section 6.2.3. and “Development Zone” in Section 6.2.4; amending the Tucson Code, Chapter 23A, Development Compliance Code, Article II, Review Procedures, Division I, General Zoning Review Procedure, by adding a new Section “23A-32.1”; and setting an effective date.

Council Member Uhlich said before she moved forward on the NPZ motion, she wanted to make it clear that she had two motions she wanted to offer as part of the NPZ process. She said the Mayor and Council made a firm commitment because they understood the need to address both infill and protection and to move those elements forward each time they took action, and she had an infill incentive motion that she would offer coupled with a motion on the NPZ. She said she knew the Mayor and Council would have questions.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Ordinance 10548.

Mayor Walkup asked if there was any discussion.

Council Member Glassman asked the Director of Urban Planning and Design to address the question Brent Davis had regarding whether the changes made by staff between the Planning Commission recommendation and that day’s language were minor or substantive.

Albert Elias, Urban Planning and Design Director, said two changes were made and he thought they were pretty straight forward. The first one was that the neighborhood preservation zone was applicable only in residential zones. When the ordinance was originally drafted there were three low-density residential zones that had been neglected to be included so those were added in. That was the first change. The second change was the amount of time that staff had to make a decision when an NPZ application went through the review process was modified. The time was changed from ten days to fifteen days, and the reason it was changed was because staff found fifteen days was a standard that was located in several places in the *Land Use Code*. Mr. Elias said they thought fifteen days made sense so staff could deliver on what they said they would do.

Mr. Elias said he did not believe either change was substantive from the perspective of what the ordinance was about. The ordinance was about ensuring that new development was consistent with contributing structures found in national register historic districts. The ordinance only really applied in national register historic districts. He said staff did not feel either change substantively changed the ordinance. He added

one of the changes was raised at the Planning Commission meeting and was discussed at the meeting. He said staff did not feel they added anything new, radically different, or something that had not been discussed.

Council Member Glassman asked Mr. Elias if the modifications were consistent with the spirit of the language adopted by the Planning Commission.

Mr. Elias responded that he absolutely believed that to be the case.

Mayor Walkup said he had a problem with the ordinance. He said he thought everyone recognized that the *Land Use Code* was in desperate need of renovation in full and sooner or later everyone would have to get together and figure out how that would be done in a meaningful way. He said everyone recognized that strategically, for the City, they needed to figure out a way to make infill an alternative to sprawl. He said they thought the *Land Use Code* was one of the best ways to be able to do it, but he said they were currently tipped in the wrong direction and were all hoping they could do some kind of corrective actions to make incentives for coming into the City.

Mayor Walkup continued that forty percent of the land area in the City was vacant. He said there were streets, water pipes, police, and fire and the Mayor and Council were ready to support infill and had talked that infill should be thought of in terms of densification and vertical growth within the City and designate that in those areas they thought were important. He said he thought one of the smartest things the Mayor and Council did was about six months ago when they decided they needed the pilot project. They tied the words preservation and densification together.

Mayor Walkup said maybe he was not reading the ordinance correctly, but he said he saw about eighty to ninety percent of the words were preservation. He said he was looking for the Mayor and Council's agreement that if they did that, they needed to balance the densification part of it. He said he had problems with the ordinance as it was. He said if Council Member Uhlich had a solution and if her words were infill, meaning densification, then he was looking forward to her modification of the ordinance because he needed that to be able to support the ordinance.

Council Member Uhlich thanked the Mayor for his comments and said in some respects she wished she had reversed the order of her motion. She said it was important to note, as she did in the beginning, that in adopting the ordinance, it allowed neighborhoods to proceed in a process for a design manual which took some period of time. Concurrent with that, the second motion she said she planned to make, directed staff to return to the Mayor and Council in ninety days with a modification of development regulations that address relief to development standards in the downtown infill incentive district. She said that was the map that not only included the core Rio Nuevo area, but also extended up the Stone Avenue and Oracle Road corridors to Grant Road and essentially what it did was encourage densification, transit, and pedestrian oriented urban neighborhoods and to build along exactly what the Mayor had mentioned.

Council Member Uhlich said, unless the City Attorney, indicated otherwise, to integrate that into the ordinance in some respects would complicate the *Land Use Code*. She said the Mayor and Council wanted it to be clear where they incentivized densification and infill and to state they also had preservation and protection items in the ordinance. She said she would not move forward on only the NPZ that night. She said she planned to make a second motion to address the Mayor's concerns.

Council Member Leal said Council Member Uhlich had been working a long time on this item and it was a difficult sore that needed real attention in the community. He said people had been left in the position thinking that infill and progress needed to happen and that somehow neighborhoods were the raw materials that needed to be shoved in the meat grinder of progress and it was okay because the future deserved it.

Council Member Leal said the University of Arizona (UA) had been doing dorms for some time and it became difficult for them to figure out how to do that so they started working with developers and asking the developers to do its work for them in the community. He said he was watching the Discovery Channel the other night and there was a program on the cowbird, which did not build nests. It laid its eggs in other birds' nests. He said he did not know why this made him think of this problem.

Council Member Leal said neighbors had a legitimate right to preserve the integrity of their homes and neighborhoods. He said the City had a responsibility to help them not have their homes and neighborhoods ground up and destroyed in the mix as raw materials for somebody else's interpretation of the greater good. He said it was well and good that those two issues were separate the way Council Member Uhlich mentioned. He said this had to be done and he said good thought had been put into it. He said incentives for infill, if done thoughtfully, would happen separately. He said he thought what Council Member Uhlich had laid out was just that.

Council Member Leal said to the UA's credit, he said he had been backhanded with them but they were big and they could take it, they had repeatedly stated within the last months that they knew that children who lived in dorms got better grades. He said they knew that fuel was getting more expensive and they also realized that because of the ease of going back and forth to school on transit and rail corridors was almost as good as having a dorm on campus. He said so the idea of having incentive zones on those corridors started to become a perfect fit. He said it was a win-win where neighborhoods got protected, higher densities occurred where it made sense, universities got help, and neighborhoods did not have to be destroyed.

Council Member Leal said he really thought this was working out. He said he thought the Mayor and Council should support this. It was not pie in the sky, they were not saying "Trust us, we'll come up with a solution later." He said he thought they had a solution to the densification question and it would happen on the heels of this.

Council Member Scott said she thought there was another questions regarding rules of the neighborhood. She asked if there was a neighborhood whose perimeter

included seventeen hundred households and there was a small group of people who came together and bothered to show up, were there rules on whether they could speak on behalf of the other people in the neighborhood. She asked if there were rules the City had or was it simply a local issue.

Michael Rankin, City Attorney, said there were rules in respect to neighborhood associations. To be registered and to continue to enjoy registration as a neighborhood association with the City the neighborhood had to make their meetings and notice everyone within the boundaries of the neighborhood association and give people an opportunity to participate at the meetings. He said with respect to the larger question of whether everyone within a boundary might come in front of the Mayor and Council for the Council's consideration of actual implementation of an overlay NPZ, the Mayor and Council would notice the process dictated by the ordinance required initiation through the Mayor and Council. The Mayor and Council would have to be satisfied, before they actually act and create a zone, that people were appropriately notified and had an opportunity to participate in the design manual and the overlay process.

Council Member Scott said what she heard that night was if that rule was used and there were seventeen hundred households, eight hundred fifty people were needed to be at the halfway point in order to say you had a majority. She said neither speaker who spoke to this would have presented a vast majority of the households within the neighborhood association, so it presented a bit of an issue for the Mayor and Council. If six hundred people make one statement and then a smaller group made another statement that would be a very difficult position for anyone on the Mayor and Council to administer. She said she wanted to bring that out as perhaps something the Mayor and Council needed to look at in regards to rules in general.

Mr. Elias said with respect to the NPZ and establishing an NPZ, it required a rezoning process in order to do that. He said as the Mayor and Council was familiar, in a rezoning process all the property owners within the property would get a notice. They would get a chance to speak at the public hearing. They would get a chance to speak to the Mayor and Council if they wished.

Mr. Elias said there was really no way of knowing how that would shake out until an application was before the Mayor and Council. He said he believed one of the keys in the NPZ was the ability for the Mayor and Council to ultimately make the decision that they felt the majority of the interest groups wanted or the majority did not want. He said staff believed that through the rezoning process, that would be played out in the establishment of one of the NPZ.

Council Member Scott asked if there was anything in the books that said fifty percent of households were needed within the neighborhood to pass something.

Mr. Elias responded that it would be just like any other rezoning case. The decision would be strictly up to the Mayor and Council.

Council Member Glassman said he had a response to what Council Member Scott was talking about in regards to the requirement that people show up in order to have an opinion and the scenario she had shared of people not coming out. He said it was very similar to any election in the community. He said a very small percentage of the community went out to vote and they voted for the elected leadership. By that same token, it appeared that when it came to this ordinance it would be the same requirement, but it was nice that everyone did have the opportunity.

Council Member Romero said in terms of Council Member Scott's concerns, she said, as she understood, she believed this was the enabling legislation to give the opportunity to the neighborhood to decide together how they wanted to proceed in their own neighborhood.

Mr. Elias said that was absolutely correct. He said this was simply the enabling legislation that established the applicability and the process. He said it did not actually create an NPZ yet. That would presumably happen in the future if one of the neighborhoods that had a strong interest in the issue stepped forward and went through the process. Ultimately, the Mayor and Council would have a chance to vote whether or not to establish that kind of neighborhood preservation overlay district.

Council Member Romero thanked Mr. Elias and his staff, and also Council Member Uhlich and her staff for working on this particular issue for some time. She said she thought they had been working for more than two years. She said they had had stakeholders involved, there had been discussions, and the Planning Commission had been involved. She said there had been a lot of discussions and conversations about that particular issue. She said she thought it was important that they, as individuals who appreciated their neighborhoods, look at the enabling legislation as something that could affect them all.

Council Member Romero said she thought it was important that the Mayor and Council protect the rights of homeowners and people who lived in all of the neighborhoods of Tucson. She said in terms of infill, transportation, and guided development, she thought it was important they include the infill incentive district and to talk about transit oriented development.

Council Member Romero said the UA and the City of Tucson were partners to the benefit of the community. In terms of the City of Tucson coming forward and saying it wanted to provide the UA employees and students the opportunity to be able to move freely from University Medical Center to downtown and all the way to the Westside, that was an opportunity the Mayor and Council were creating as a city in terms of transit oriented development.

Council Member Romero said the UA needed to also come back and give to the City in terms of its ideas and where it was walled in. She said she thought the City had a wonderful partner in the UA, but in terms of housing for its students, it was not thinking beyond its walls. She said she was not trying to say she was thinking inside of

neighborhoods. She said they needed to work together, as partners, to ensure the UA was also investing in the areas the City was providing transit. She said she was very happy Council Member Uhlich was including language on infill and development corridors. She said she thought it was more complete in that manner.

Vice Mayor Trasoff said it had been a privilege working with Council Member Uhlich on this issue through the Mayor and Council Environment, Planning and Resource Management Strategic Focus Area Subcommittee. She said it had been a long time in coming and there had been a tremendous amount of public input and process. She said it did have to be coupled with the density corridors, the transit oriented development.

Vice Mayor Trasoff said this was consistent with what the Mayor and Council were working on in downtown itself with Rio Nuevo. She said like Council Member Romero mentioned about the Westside, the UA was looking beyond its walls and where the City could encourage development that would be for students, professors, or graduate students. She said working on this together, and having the balance as Council Member Leal acknowledged, this needed to be a measure that focused on infill and protecting the neighborhoods for everyone, and also looking at the transit corridors. She said she thought it was a good blending to have the two motions together. The Mayor and Council would be looking at an important next step, and the next long term step was the *Land Use Code*.

Council Member Leal said he had just one housekeeping issue to mention. As Mr. Davis' question about what was the difference between what the citizens' committee did and not as referred to earlier by Council Member Glassman. He said Mr. Elias' answers were fine with him, they made sense. He said his only concern was that when the Mayor and Council read something that came from a citizens' committee, he would take it that all the words came from the citizens' committee. He said it was important and when staff wanted to make changes he asked if they could make the changes in a different font or color with an explanation of the change and the reason for it.

Council Member Leal said when small or big changes were made; the committee probably had some feelings about it. He said he thought it would keep the relationship better for everyone involved if those changes were somehow stated. He asked Mr. Elias how they would do that and if a request was all that was needed.

Mr. Elias responded that staff would make sure they did that in the future if there was a difference between the text that the Planning Commission made its recommendation on and the text that the department presented to the Mayor and Council. He said they could find a way to do that using a red-line version or italics or something similar so the Mayor and Council could visually see the difference.

Council Member Leal asked that staff also include the reason for the change.

Mr. Elias agreed.

Council Member Leal said staff's justifications were fine, once the changes were explained.

Council Member Scott asked if the language that was going to be presented as the first motion on the table needed to be in place for the second motion to be passed. She also asked if the Mayor and Council were able to say no to the first, and were the motions inextricably kept together after everything was all said and done.

Mr. Rankin responded that by necessity, the motions would be separate. He said he thought Council Member Uhlich had already indicated she would be making a second motion and she expressed a desire to perhaps do the second one first.

Council Member Scott asked if the motions were linked.

Mr. Rankin responded that the adoption of the ordinance needed to be just the ordinance and not conditional upon another motion passing.

Council Member Uhlich said she did not think that was the intention. She said one or two of the speakers made the point that if the Mayor and Council only moved with the type of protection which specifically addressed historic neighborhoods without offering the opportunity for densification, student housing infill, and some of the incentives that had been discussed at the table, the Mayor and Council ran the risk of the problem spreading into areas that were not covered.

Council Member Uhlich said in that sense she considered them linked and that was why she was offering them that night at the same meeting. She said she did not want the Mayor and Council to move one forward and lose sight of the other. She reiterated in that sense she considered them linked, but not as a legal requisite.

Council Member Uhlich said she believed the motion on the table was to pass and adopt Ordinance 10548.

Mayor Walkup announced the motion was seconded. He asked if there was any further discussion.

Council Member Glassman commended Council Member Uhlich for the carrot and the stick.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Mayor Walkup said he would explain his vote. He said he appreciated that Council Member Uhlich addressed the issue of infill and she tied in what he considered an essential part of the earlier discussion, which got the Mayor and Council out of real box, that preservation was extraordinarily important. At the same time, densification had to be understood. He said he was looking forward to Council Member Uhlich's next motion and how the Mayor and Council linked it in practice to separate ordinances. He said he thought they needed to be mindful of that.

Ordinance 10548 was declared passed and adopted by a roll call vote of 7 to 0.

Council Member Uhlich moved, duly seconded, to direct staff to return in ninety days with a modification of development regulations that addressed relief to development standards in the downtown infill incentive district. This would return to the Mayor and Council with specificity and with work with the various stakeholders. The purpose of this was to encourage densification, transit, and pedestrian oriented development in urban neighborhoods that serve both the downtown and UA while upholding sustainable design principals.

Mayor Walkup asked if there was any discussion.

Council Member Uhlich thanked staff. She said when the NPZ came to her she insisted they move on this issue as well. She said staff had gone above and beyond to ensure the City was fulfilling that. She also thanked Mr. Rankin and Holly Lachowicz, from the Ward 3 staff, who had been the lead on this item and who had worked tirelessly on it. Lastly, she thanked the neighborhoods and developers and others who had spoken up and hung in with the City. She said she hoped they all saw progress and also that the City was fulfilling its commitment that it would move forward on both fronts.

Council Member Glassman said he looked forward to the language that would come back to the Mayor and Council. He said as a member of the Mayor and Council Transportation Strategic Focus Area Subcommittee he wanted to highlight that this would not be the only opportunity for densification near and around the UA. He said the light rail project would be coming forward with the modern streetcar, and he said he had heard everyone on the Mayor and Council talk about the fact that they would promote densification along that corridor where the light rail would be. He said this was just one of many carrots that the City would be able to offer to protect the neighborhoods in the City's urban core.

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

Nay: None

The motion to direct staff to return in ninety days with a modification of development regulations that addressed relief to development standards in the downtown infill incentive district was declared passed and adopted by a roll call vote of 7 to 0.

9. PUBLIC HEARING: TRUTH IN TAXATION HEARING FOR THE PRIMARY PROPERTY TAX; NOTICE OF PRIMARY PROPERTY TAX INCREASE

Mayor Walkup announced City Manager's communication number 290, dated June 10, 2008, was received into and made a part of the record. He also announced this was the time and place legally advertised for a truth in property taxation public hearing. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Mayor Walkup asked if there was anyone in the audience who wished to speak on this issue.

Michael Toney said he saw that this was to help support the City's budget in the federal, state, local, and international financial crises as all the bonding and portfolios were international and were collapsing under the mortgage crisis. He said with the prices of copper, gas, ethanol, and food it was the wrong thing to do to begin solving the problem by putting yet another burden on the back of the people. If it had been for some specific purpose that was essential or necessary, like an infrastructure question, he said he thought it would be acceptable.

Mr. Toney said because it was in conjunction with the budget as it was, and because the University of Arizona (UA) was getting a third of a billion dollars a year in transaction privilege taxes apparently going up to the State then coming back down to Tucson, he said he thought it was incumbent for the Mayor and Council to start rearranging the set amount of cash flowing into the pot, as it was, and saying enough was enough. Hotels and such were going up.

Mr. Toney said there was some kind of space projection dome in there and UA was going to shove it off and demolish it just so they could put something else in. The UA was going to go over to the red brick building when they were going to build their three hundred sixty billion-dollar "Rainbow Bridge" and wipe out that building which would probably be there for another twenty-five to fifty years. They were going to move the high power towers around and so forth.

Mr. Toney said the UA was spending money without limitation. He said he had looked through John Kromko's case against the Arizona Board of Regents concerning the hike in tuition fees. He said since the educational institution act was passed, Terry Goddard, Arizona Attorney General, thought the UA was a body corporate existing in perpetuity. The UA had freed itself from the constitutional requirements to not issue debt. It was in fact issuing debt to the extent that people were being smothered by it.

Mr. Toney said the City had the power, as a city, to go to the State Legislature and say the City wanted some of its transaction privilege taxes to come back to Tucson. The City had the right to do that. He said the City had a least twenty-five percent of the five percent that went to the State and the City could have that come back for general purposes. That would be general fund money.

Mr. Toney said Albert Elias, Urban Planning and Design Director, said Helen and Mabel Streets were streams and that was what they were in the monsoon. He said he thought these were some of the things that needed to be taken care of. If the City cut out the one hundred thirty million dollars of transaction privilege taxes it had wanted to put into the UA Science Center from the future budget, the City would free up an awful lot of money and the State would realize that the City did not have that slated for the future as coming out of the transaction privilege taxes. If instead of acting like spoiled billionaires the City went through and separated the wheat from the chaff, the City would not have to raise anyone's taxes whatsoever and it could take care of the things that needed to be taken care of and take a load off the peoples' backs as they continued into a recession that was coupled with inflation.

It was moved by Council Member Glassman, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

It was moved by Council Member Glassman, duly seconded, and carried by a voice vote of 7 to 0, to direct staff to perform all functions required by law.

10. PUBLIC HEARING: 2009 BUDGET AS TENTATIVELY ADOPTED ON JUNE 3, 2008

Mayor Walkup announced City Manager's communication number 291 dated June 10, 2008, 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 the budget as tentatively adopted on June 3, 2008. He said the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Larry Lopez, Tucson Police Officers' Association (TPOA) President, said it had been a heck of a day to deal with. He thanked the officers in attendance at the meeting who had stayed, and who all had been at Officer Hite's funeral earlier that day. He said he could understand why there were not more in attendance.

Officer Lopez reminded the Mayor and Council that there had been standing room only at recent Mayor and Council meetings due to the attendance of Tucson Police Department (TPD) officers. He said TPOA had, for months, asked for budget numbers and other information that would enable them to bargain in good faith with the City Manager's Office. He said as Mike Gurr stated earlier, Mike Letcher, Deputy City Manager, misled the Mayor and Council. He said he would call it a lie. He said TPOA had not had any discussion with his staff in almost a month. He said for Mr. Letcher to say they had, the Mayor and Council needed to question what was coming out of the City Manager's officer.

Officer Lopez said at every turn the City Manager's office had withheld information while sometimes fabricating other information. All the while, the City Manager's office portrayed TPOA as a group unconcerned about the economic situation the City faced. He said TPOA understood it, they were not ignorant. They were not stupid and they understood what was going on.

Officer Lopez said the City Manager's office had been claiming that that TPOA was only interested in lining its own pockets and the pockets of its members with undeserved money. He said nothing could be further from the truth. TPOA just wanted a fair and open dialogue regarding working conditions and wages. Instead, he said he and TPOA had been demonized in the media by the staff of Mike Hein, City Manager. He said he would not get into that, and added that the Mayor and Council knew about that.

Officer Lopez said they had felt they had been spinning their wheels for months with no action being taken by the Mayor and Council. He said no matter what they said, the Mr. Hein's office had consistently had answers for the Mayor and Council. This was because Mr. Hein had the information while TPOA was required to dig, research, and fight for every ounce of information that they had obtained. He said all that changed when the budget was published Saturday in the *Arizona Daily Star*, three days before the Mayor and Council was scheduled to vote.

Officer Lopez said he believed the playing field was finally leveled and TPOA was able to ask questions without shooting blindly in the dark. He said there were issues TPOA had noted. Mr. Hein was budgeting for a general revenue increase of anywhere from fourteen million to over thirty-two million dollars, depending on whether the estimated or actual 2008 revenues were looked at. This source was from Schedule C to Resolution 20950. He asked the Mayor and Council to compare them to the 2009 revenue projections.

Officer Lopez said this was at a time when Mr. Hein consistently said there was no money for anything new for anyone. He said Mr. Hein had stated he would not be cutting police service, however according to the budget numbers police expenditures from the general fund would be decreasing from 177.8 million dollars to 159.7 million dollars. That was over a ten percent decrease.

Officer Lopez said decreasing the police budget by ten percent at a time when violent crime was skyrocketing, regardless of what the Mayor and Council was being told, was irresponsible. He said to date, there were thirty-two homicides in the City of Tucson. That was ten more than last year at the same time. He said unfortunately for everyone, one of the homicides was a police officer.

Officer Lopez said during fiscal year 2008, TPD was ordered to drastically cut overtime due to what they were told were severe budget constraints. This had resulted in a massive decrease in the level of service provided to the public as documented recently in news stories highlighting TPD's increased response time. He said incoming Police Chief Kermit Miller had confirmed this. Response times were increasing.

Officer Lopez said TPD's budget at 177.8 million dollars had an actual end of year cost of 151.2 million dollars. The City Manager's office kept quoting to the Mayor and Council that it had a twelve million dollar deficit. However, the only deficit that was showing was in the revenues. It showed revenue for the general fund coming in at eighteen million less than expected. However, this was more than offset by the actual spending of the general fund which was budgeted at 511.5 million dollars. The actual spending was 453.5 million dollars. This was a difference of forty-eight million dollars. It was a thirty million dollars surplus when the eighteen million dollar deficit was taken into account.

Officer Lopez said according to Mr. Hein's numbers, there was obviously money to hire, retain, and pay competitive wages for the City's police officers and firefighters. He asked why Mr. Hein was putting the men and women at risk. He said there were more questions to ask, like where did the thirty million dollar surplus go, not the twelve million dollar deficit reported. He asked how Mr. Hein could say TPD's budget was not changing when the numbers showed a ten percent decrease in spending.

Officer Lopez said at the last meeting Council Members Leal, Uhlich, and Scott had some pretty pointed questions for David Cormier, Acting Budget Director, and Mr. Hein that did not get answered. He said the Mayor and Council heard Mr. Cormier struggle to answer some of the questions and Mr. Hein would jump in and take over. He said the Mayor and Council had to wonder why that was the case. There were a lot of unanswered questions.

Officer Lopez said he was still waiting to hear about the unaccounted monies from the Rio Nuevo project that had been talked about, but no one wanted to talk about that. He said he was still waiting for the Mayor and Council to make a push to have an outside, independent auditor come in and look at that project alone. He said they would find some serious problems that Mr. Hein would not have answers for.

Officer Lopez asked the Mayor and Council to consider postponing the adoption of the budget, at least until the end of the month. He said he could not imagine they would vote to adopt the budget when the questions they asked the previous Tuesday were still not being answered. He asked how the Mayor and Council could feel comfortable

with that. He said there were many people in the community who were watching and listening.

Officer Lopez said he guaranteed, not only as the President of TPOA, but as a concerned citizen of the community with twenty-two years of law enforcement, he would not stop until those questions were answered. He said the Mayor and Council were looking at the new police advocate. He said this issue was not over and it was coming up to an election year and there would be another after that. He said the Mayor and Council would hear from TPOA and from him. He asked the Mayor and Council to postpone the budget adoption, until the end of the month, until everyone heard publicly the answers to the questions the Mayor and Council had and the questions TPOA had put forth.

Michael Toney said concerning the Rio Nuevo budget, there was about a sixteen million dollar outlay of cash to the Rio Nuevo mission site. There was a 4.64 million dollar outlay to the University of Arizona (UA) to pay their architectural design fees for their proposed project.

Mr. Toney said he thought the situation with the guns that he could hear himself going off around town needed to be taken care of. He said he supported the position Officer Lopez had with TPD and the ninety-five percentile they wanted. Mr. Toney said he thought it would be a good idea to put money into giving them the kind of vehicles and protection they needed to handle the kinds of situations that came up when someone was riding around randomly shooting off a gun.

Mr. Toney said similar to what he mentioned before with the truth in taxation situation, this situation with the budget as it was now had turned into indeterminacy and uncertainty about what would happen in the future. He said he certainly thought the Mayor and Council would take a careful look at the extent of Rio Nuevo bonding that could be done and the extent of the Rio Nuevo tax increment financing (TIF) lasting until 2013 because constitutionally people were supposed to be able to decide whether they wanted to bear that burden since it involved the issuance of debt.

Mr. Toney said if the Mayor and Council focused on what was necessary to do with the budget they could do things about the infrastructure that needed to be done because the City did not have the library to deal with since it had been dumped on Pima County. He said he thought the City had quite a bit with the 43.7 million dollar rainy day fund that it could take care of the desires of TPD and also his desires because it was important to deal with the situation with the guns and not accept it as a fact of life that no one could do anything about. He said these were priorities most people recognized for the City.

Mr. Toney repeated that the Mayor and Council needed to separate the wheat from the chaff with what was going on with budget. He said there was an election year coming up and he could not understand the Mayor and Council going out to Officer Hite's funeral with the police officers and then saying "Yeah, yeah." He said the police

officers were not going to be wiped out by people if they were given adequate protection. It was not that much money they needed to do that kind of thing.

Mr. Toney said he appreciated people who stood up and protected the people who lived in the City, as Officer Hite's shooter was going around and shooting up apartments and things like that. He said he was rather surprised they got up and walked out, but he supported the police officers' efforts to increase their pay. He mentioned the projections Council Member Trasoff had made that no officers were going to leave, then five left to the Phoenix/Sun Valley area. He said it was a dangerous job and it was a supply and demand market situation that was easy to understand.

Samantha Barcheck (sp) said as a concerned citizen, she supported everything Officer Lopez stated. She said she hoped the Mayor and Council would take everything into consideration and postpone their vote until everyone could pose their questions and get their answers. She thanked everyone and commended the officers and extended her condolences and condolences on behalf of the citizens of Tucson. She said everyone was paying attention and listening, and everyone was concerned about this very important subject.

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

It was moved by Council Member Uhlich, duly seconded, to close the public hearing.

Mayor Walkup called for a voice vote.

Council Member Scott asked if the public hearing was closed, would there be no more comment on the budget. She said there was a request from speakers to postpone the passage of the budget until the end of the month, and she said she wondered if the Mayor and Council would consider leaving the public hearing open.

Michael Rankin, City Attorney, said whether the Mayor and Council wanted to leave the public hearing open was their decision. He said if they had questions, they could ask them regardless of whether they were still in a public hearing or not.

Council Member Uhlich asked if the Mayor and Council would proceed into the special meeting if they kept the public hearing open.

Mr. Rankin responded that once the public hearing was closed, the Mayor and Council would move immediately into the special session.

Council Member Uhlich asked if the Mayor and Council left the public hearing open were they precluded from moving into the special meeting.

Mr. Rankin responded that the Mayor and Council needed to close the public hearing before moving to the special meeting.

Council Member Uhlich asked if moving to the special meeting precluded all options on the proposed budget.

Mr. Rankin said during the special meeting the Mayor and Council could engage with staff and ask questions and have a dialogue before they took action.

Mayor Walkup said the Mayor and Council had just voted to close the public hearing.

Council Member Scott said she did not know if Mayor Walkup had called for the vote.

Vice Mayor Trasoff said she thought just the motion had been made and there was no vote.

Mayor Walkup asked if it was the desire of the Council to leave the public hearing open.

Council Member Uhlich said they needed to move into the special meeting.

Roger W. Randolph, City Clerk, announced a vote was taken on the motion to close the public hearing.

Council Member Scott said she wanted to go on record as saying no.

Mayor Walkup announced the motion to close the public hearing was passed by a vote of 6 to 1 (Council Member Scott dissenting).

11. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 277, dated June 10, 2008, was received into and made a part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to reappoint Paula Smith, Harold Hummer, Susana Morales, Ron Stoltz, and Roger Watson to the Landscape Advisory Committee.

Council Member Uhlich announced her personal appointment of Maritza Broce to the Tucson Human Relations Commission.

12. ADJOURNMENT: 8:22 p.m.

Mayor Walkup announced the Mayor and Council would stand adjourned and convene a special meeting for the purpose of the budget adoption. The next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, June 17, 2008, 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 10th day of June 2008, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:rg:rm:dp