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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on August 8, 2006

Date of Meeting: July 6, 2006

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:36 p.m. on Thursday, July 6, 2006, all members having been notified of the time and place thereof.

### 1. ROLL CALL

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

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Vice Mayor, Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

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

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

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor David Stertzbach, Bethel Baptist Church. Mayor Walkup requested a moment of silence for Pat and Ray Bryant whose daughters, Lakisha Bryant and Carrie Bryant Joe, recently passed away and who had both worked for the City of Tucson Parks and Recreation Department. He also asked for a moment of silence for Daniel Bartlett, a Tucson Police Department officer who died in a vehicle accident on July 4, 2006. After the moment of silence, the Pledge of Allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup and Seth Mones, Deputy Director of the Arizona Department of Commerce, presented checks to the following five businesses for job training programs: InSpeech, Inc., Mintec, Inc., Lawdex Corporation, Smithpong & Rosamond Associates, Inc., and Interface Guru (formerly Symbol Group).

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

Mayor Walkup announced City Manager's communication number 368, dated July 6, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member West announced the Ward 2 Council Office would host a pizza party on July 12, 2006, to honor two teen artists who had turned the Ward 2 bike locker into a work of art. The project was accomplished using youth employment funds.

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

Mayor Walkup announced City Manager's communication number 369, dated July 6, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

**5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 355, dated July 6, 2006, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License

1. The Auld Dubliner, Ward 6  
800 E. University Blvd. #104  
Applicant: Kevin Arnold Kramber  
Series 12, City 60-06  
Action must be taken by: July 24, 2006  
Staff has indicated the applicant is in compliance with city requirements.
2. Sport's on Congress, Ward 6  
254 E. Congress St.  
Applicant: Elijah Louis Berlin  
Series 12, City 61-06  
Action must be taken by: July 29, 2006  
Staff has indicated the applicant is in compliance with city requirements.

Person Transfer

3. Albertson's #964, Ward 2  
9595 E. Broadway Blvd.  
Applicant: Glenn Allen Edmondson  
Series 09, City 62-06  
Action must be taken by: July 31, 2006  
Staff has indicated the applicant is in compliance with city requirements.
4. Albertson's #963, Ward 2  
6600 E. Grant Rd.  
Applicant: Glenn Allen Edmondson  
Series 09, City 63-06  
Action must be taken by: July 31, 2006  
Staff has indicated the applicant is in compliance with city requirements.
5. Albertson's #959, Ward 4  
6363 E. 22nd St.  
Applicant: Glenn Allen Edmondson  
Series 09, City 64-06  
Action must be taken by: July 31, 2006  
Staff has indicated the applicant is in compliance with city requirements.

6. Albertson's #961, Ward 3  
2854 N. Campbell  
Applicant: Glenn Allen Edmondson  
Series 09, City 65-06  
Action must be taken by: July 31, 2006  
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event

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

d. Agent Change

1. Mimi's Cafe, Ward 3  
4420 N. Oracle Rd.  
Applicant: Michael Jonathon Vinik  
Series 12, City AC14-06  
Action must be taken by: July 29, 2006  
Staff has indicated the applicant is in compliance with city requirements.
2. Mimi's Cafe, Ward 6  
120 S. Wilmot Rd.  
Applicant: Michael Jonathon Vinik  
Series 12, City AC15-06  
Action must be taken by: July 29, 2006  
Staff has indicated the applicant is in compliance with city requirements.
3. Sabbar Shrine Temple, Ward 6  
450 S. Tucson Blvd.  
Applicant: Gerald Leroy Welch  
Series 14, City AC16-06  
Action must be taken by: August 5, 2006  
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b6 and 5d1 through 5d3 to the Arizona State Liquor Board with a recommendation for approval.

**6. CONSENT AGENDA – ITEMS A THROUGH V**

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

- A. ASSURANCE AGREEMENT: (S05-088) SIERRA MORADO UNIT 2 WEST, LOTS 228 TO 585, BLOCKS “A” & “B”, COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JULY6-06-357 WARD 4
  2. Resolution No. 20385 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. S05-088 of a final plat for the Sierra Morado Unit 2 West Subdivision, Lots 228 to 585, Blocks “A” and “B” and Common Areas “A” – “C”; and declaring an emergency.
- B. FINAL PLAT: (S05-088) SIERRA MORADO UNIT 2 WEST, LOTS 228 THROUGH 585, BLOCKS “A” & “B”, COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JULY6-06-358 WARD 4
  2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- C. FINAL PLAT: (S06-006) SOLANA VISTA CONDOMINIUMS UNITS 100 TO 108, 110 TO 118, 150 TO 158, 160 TO 168, 200 TO 208, 210 TO 218, 250 TO 258, 260 TO 268, 300 TO 308, 310 TO 318, 350 TO 368, 400 TO 408, 410 TO 418, 450 TO 468, 500 TO 508, 510 TO 518 AND 550 TO 568, LIMITED COMMON ELEMENT P1 TO P178 AND COMMON ELEMENT “A”
1. Report from City Manager JULY6-06-359 WARD 3
  2. The City Manager recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- D. FINAL PLAT: (S04-089) SAN ANTONIO DRIVE SUBDIVISION, LOTS 1 - 6
1. Report from City Manager JULY6-06-360 WARD 1
  2. The City Manager recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

- E. ASSURANCE AGREEMENT: (S05-206) SIERRA MORADO UNIT 2 EAST, LOTS 586 TO 806, COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JULY6-06-361 WARD 4
  2. Resolution No. 20386 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. S05-206 of a final plat for the Sierra Morado Unit 2 East Subdivision, Lots 586 to 806 and Common Areas “A” – “C”; and declaring an emergency.
- F. FINAL PLAT: (S05-206) SIERRA MORADO UNIT 2 EAST, LOTS 586 THROUGH 806, COMMON AREAS “A”, “B”, AND “C”
1. Report from City Manager JULY6-06-362 WARD 4
  2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- G. FINAL PLAT: (S05-121) OLD SPANISH TRAIL MARKETPLACE, LOTS 1 - 5 & COMMON AREAS “A” & “B”
1. Report from City Manager JULY6-06-366 WARD 4
  2. The City Manager recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- H. REAL PROPERTY: TERMINATION OF LEASE AGREEMENT WITH SAGUARO ARTISANS FOR PROPERTY LOCATED AT THE HISTORIC DEPOT
1. Report from City Manager JULY6-06-356 WARD 6
  2. Resolution No. 20387 relating to real estate; authorizing and approving the termination of the lease agreement with Saguaro Artisans for the property located at 410 North Toole Avenue, Suite 01; and declaring an emergency.

I. FINANCIAL PARTICIPATION AGREEMENT: WITH TUCSON REGIONAL ECONOMIC OPPORTUNITIES, INC. (TREO) FOR ECONOMIC DEVELOPMENT SERVICES

1. Report from City Manager JULY6-06-370 CITY-WIDE
2. Resolution No. 20388 relating to Financial Participation Agreements; authorizing and approving Fiscal Year 2007 Financial Participation Agreement with Tucson Regional Economic Opportunities, Inc.; and declaring an emergency.

J. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE SOUTHERN ARIZONA AIDS FOUNDATION

1. Report from City Manager JULY6-06-374 WARD 6
2. Resolution No. 20392 relating to Finance; approving and authorizing the allocation of one thousand dollars (\$1,000) from the Community Support Fund, Account No. 001-183-1898-268, to the Southern Arizona AIDS Foundation for the 18<sup>th</sup> Annual AIDSWALK; and declaring an emergency.

This is a request by Council Member Trasoff. Allocation of funds is as follows: Council Member Trasoff - \$1,000.00

Considered separately at the request of Council Member Trasoff.

K. TUCSON CODE: AMENDING (CHAPTER 10) DEFINING AND RESTRICTING THE USE OF NON-PERMANENT POSITIONS, AND ELIMINATION OF PROVISIONAL EMPLOYMENT

1. Report from City Manager JULY6-06-375 CITY-WIDE
2. Ordinance No. 10302 relating to Civil Service – Human Resources: Tucson Code Chapter 10, Article I, Section 10-3 (Definitions), amending Subsection 10-3(18) to Define non-permanent position and restrict its use; deleting Section 10-3(29); adding Subsection 10-3(35) to define just cause; amending Section 10-12 (Commissioned rules authorized), Subsection 10-12(4), (Making appointments), Providing for non-permanent appointments, deleting Reference to provisional appointments; amending Section 10-12(7) (Layoff of employees), deleting Reference to provisional employees; amending Section 10-12(8) (Procedure for disciplinary suspension exceeding ten days, etc.), removing Provision for just cause from section; and declaring an emergency.

Item K was continued to the Mayor and Council meeting of August 8, 2006 at the request of Vice Mayor Leal.

L. LABOR AGREEMENT: WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 479/TUCSON FIREFIGHTERS ASSOCIATION

1. Report from City Manager JULY6-06-373 CITY-WIDE
2. Resolution No. 20391 relating to employee relations; authorizing the City Manager to execute an agreement with International Association of Firefighters, AFL-CIO, Local 479; and declaring an emergency.

M. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION HIGH INTENSITY DRUG TRAFFICKING AREA SOUTHERN ARIZONA INTEGRITY INITIATIVE

1. Report from City Manager JULY6-06-377 CITY-WIDE
2. Resolution No. 20398 relating to grants; approving and authorizing execution of a Grant Agreement with the Arizona Criminal Justice Commission High Intensity Drug Trafficking Area (HIDTA) HT16-06-2110 Southern Arizona Integrity Initiative which will provide \$21,670 in federal funds for overtime in conjunction with the HIDTA Initiative; and declaring an emergency.

Kathleen S. Detrick, City Clerk, read into the record a clerical correction on Consent Agenda Items M, N, and O. In Section 3 of all three resolutions it indicated that the Mayor was authorized and directed to execute the grant agreement for and on behalf of the City of Tucson. The appropriate wording should be: "Section 3: The various city officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution." That correction would apply to all three resolutions.

N. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION HIGH INTENSITY DRUG TRAFFICKING AREA PIMA COUNTY/TUCSON METRO COUNTY NARCOTICS ALLIANCE

1. Report from City Manager JULY6-06-378 CITY-WIDE
2. Resolution No. 20399 relating to grants; approving and authorizing execution of a Grant Agreement with the Arizona Criminal Justice Commission High Intensity Drug Trafficking Area (HIDTA) HT16-06-1715 Pima County/Tucson Metro County Narcotics Alliance which will provide \$115,908 in federal funds for overtime and employee related expenses in conjunction with the HIDTA and Pima County/Tucson Metro County Narcotics Alliance (CNA) Initiative; and declaring an emergency.



Kathleen S. Detrick, City Clerk, read into the record a clerical correction on Consent Agenda Items M, N, and O. In Section 3 of all three resolutions it indicated that the Mayor was authorized and directed to execute the grant agreement for and on behalf of the City of Tucson. The appropriate wording should be: "Section 3: The various city officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution." That correction would apply to all three resolutions.

O. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION HIGH INTENSITY DRUG TRAFFICKING AREA ENFORCEMENT AGENCIES TASK FORCE

1. Report from City Manager JULY6-06-379 CITY-WIDE
2. Resolution No. 20400 relating to grants; approving and authorizing execution of a Grant Agreement with the Arizona Criminal Justice Commission High Intensity Drug Trafficking Area (HIDTA) HT16-06-0715 HIDTA Enforcement Agencies Task Force (HEAT) which will provide \$9,888 in federal funds for overtime in conjunction with the High Intensity Drug Trafficking Area (HIDTA) Enforcement Agencies Task Force (HEAT) Initiative; and declaring an emergency.

Kathleen S. Detrick, City Clerk, read into the record a clerical correction on Consent Agenda Items M, N, and O. In Section 3 of all three resolutions it indicated that the Mayor was authorized and directed to execute the grant agreement for and on behalf of the City of Tucson. The appropriate wording should be: "Section 3: The various city officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution." That correction would apply to all three resolutions.

P. TUCSON CODE: AMENDING (CHAPTER 22) TUCSON SUPPLEMENTAL RETIREMENT SYSTEM REGARDING A BENEFIT INCREASE FOR CITY EMPLOYEES WHO RETIRED PRIOR TO JULY 1, 1996

1. Report from City Manager JULY6-06-376 CITY-WIDE
2. Ordinance No. 10303 relating to Pensions, Retirement and Group Insurance; implementing Article III, Tucson Supplemental Retirement System Section 22-41 (A) increase in retirement allowance of retired members by providing a benefit increase; and declaring an emergency.

Q. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE MIDVALE PARK NEIGHBORHOOD REINVESTMENT PROJECT

1. Report from City Manager JULY6-06-383 WARD 1

2. Resolution No. 20396 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Midvale Park Neighborhood Reinvestment Project; and declaring an emergency.
- R. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE MILES NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager JULY6-06-384 WARD 5
  2. Resolution No. 20395 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Miles Neighborhood Reinvestment Project; and declaring an emergency.
- S. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE ALVERNON HEIGHTS NEIGHBORHOOD REINVESTMENT PROJECT
1. Report from City Manager JULY6-06-385 WARD 5
  2. Resolution No. 20394 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the Alvernon Heights Neighborhood Reinvestment Project; and declaring an emergency.
- T. REAL PROPERTY: SECOND AMENDMENT TO DEVELOPMENT AND SALE AGREEMENT WITH THE BARCLAY GROUP FOR THE PARQUE DE SANTA CRUZ DEVELOPMENT
1. Report from City Manager JULY6-06-386 WARD 1
  2. Resolution No. 20393 relating to real property; authorizing and approving the Second Amendment to the Development and Sale Agreement between the City of Tucson and Barclay Group-Parque De Santa Cruz Development for certain real property located south of Irvington Road and west of Interstate 19; and declaring an emergency.
- U. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE TUCSON ELITE ATHLETIC CLUB
1. Report from City Manager JULY6-06-387 WARD 1

2. Resolution No. 20397 relating to Finance; approving and authorizing the allocation of two hundred eighty dollars (\$280) from the Community Support Fund, Account No. 001-183-1898-268, to Tucson Elite Athletic Club for costs associated with participation in the 2006 USA Region Junior Olympic Track and Field Championships; and declaring an emergency.

This is a request by Council Member Ibarra. Allocation of funds is as follows: Council Member Ibarra - \$280.00.

#### V. APPROVAL OF MINUTES

1. Report from City Manager JULY6-06-388 CITY-WIDE
2. Approval of minutes for the regular meeting of the Mayor and Council held on June 6, 2006.

It was moved by Council Member Ibarra, duly seconded, that Consent Agenda Items A through V, with the exception of Item J which would be considered separately, Item K which was continued to the August 8, 2006 meeting, and with the clerical corrections to Section 3 of Items M, N, and O read into the record by Kathleen S. Detrick, City Clerk, 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 Ibarra, West, Uhlich, Scott and Trasoff;  
Vice Mayor Leal and Mayor Walkup

Nay: None

Consent Agenda Items A through V, with the exception of Item J and K, and including the corrections to Items M, N, and O were declared passed and adopted by a roll call vote of 7 to 0.

#### 6. CONSENT AGENDA ITEMS A THROUGH V

##### J. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE SOUTHERN ARIZONA AIDS FOUNDATION

1. Report from City Manager JULY6-06-374 WARD 6

2. Resolution No. 20392 relating to Finance; approving and authorizing the allocation of one thousand dollars (\$1,000) from the Community Support Fund, Account No. 001-183-1898-268, to the Southern Arizona AIDS Foundation for the 18<sup>th</sup> Annual AIDS WALK; and declaring an emergency.

This is a request by Council Member Trasoff. Allocation of funds is as follows:  
Council Member Trasoff - \$1,000.00

Kathleen S. Detrick, City Clerk, announced that Consent Agenda Item J would be considered separately at the request of Council Member Trasoff.

Council Member Trasoff said she had requested the item be considered separately so they could discuss it in a public forum. She said her office was contributing one thousand dollars to the 18<sup>th</sup> Annual AIDS WALK sponsored by the Southern Arizona AIDS Foundation (SAAF). It was an agency that had combined with three other AIDS organizations many years ago for greater economy of scale to provide more coordinated and cohesive services to people living with AIDS and to the people close to them. There had been recent budget cuts that forced SAAF to make some administrative cuts, but not any program cuts. This made the 18<sup>th</sup> Annual AIDS WALK one of the most important in recent years. Thus the Ward 6 office decided to make this contribution for sponsorship.

Council Member Trasoff said the more funds raised in sponsorship, the more walkers were assured they were generating funds that would go directly to program services for people living with AIDS. She said she had asked for the item to be considered separately to highlight the excellence of the event and to invite the rest of the Council to join her in contributing whatever amounts they felt appropriate or comfortable for sponsorship of the event.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Consent Agenda Item J, a community support fund expenditure for the Southern Arizona AIDS Foundation for the 18<sup>th</sup> Annual AIDS WALK.

Vice Mayor Leal said he agreed with Council Member Trasoff's comments about the role and history of the organization and the circumstances they were in now. He agreed to match Council Member Trasoff's contribution of one thousand dollars.

Council Member Uhlich said she appreciated Council Member Trasoff's leadership on this issue and agreed to contribute one thousand dollars as well.

Council Member West agreed to contribute three hundred fifty dollars.

Council Member Ibarra also agreed to contribute three hundred fifty dollars.

Kathleen S. Detrick, City Clerk, announced there would be an amendment to Resolution No. 20392 to increase the contribution amount to three thousand seven hundred dollars.

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

Upon roll call, the results were:

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

Nay: None

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

## **7. 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 would be limited to three-minute presentations and the Call to the Audience was scheduled to last for fifteen minutes.

- a. Michael Toney spoke regarding the need to review priorities of Rio Nuevo projects in light of his calculations on the amount of the Rio Nuevo Bond debt and increased construction costs.
- b. Robert Reus commented on the history of Mexican politics, as well as the recent Mexican election.
- c. Russ Dove commented on the recent City of Tucson compensation issues addressed in previous Mayor and Council meetings, a project to build three major roads from Canada to Mexico bypassing Tucson and he expressed his belief that a wall needed to be built at the border between the United States and Mexico.
- d. Alan Lee, AFSCME representative, thanked the Council for the four percent cost of labor adjustment approved at the June 27, 2006 meeting and voiced his condemnation of racism.

**8. PUBLIC HEARING: CHANGE OF PROJECT SCOPE – NORTHSIDE COMMUNITY PARK**

Mayor Walkup announced City Manager’s communication number 372, dated July 6, 2006, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a request for Pima County to modify the Northside Recreation Project. Speakers would be limited to five-minute presentations and the public hearing was scheduled to last for no more than one hour.

Mayor Walkup asked if there was anyone else who wished to speak on the item. There was no one.

It was moved by Council Member Scott, 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 Resolution 20389 by number and title only.

Resolution No. 20389 relating to parks; requesting the Pima County Board of Supervisors modify the Northside Recreation Project contained in the 2004 Pima County General Obligation Bond Program; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Resolution 20389.

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

Nay: None

Resolution 20389 was declared passed and adopted by a roll call vote of 7 to 0.

**9. PUBLIC HEARING: REALLOCATION OF PIMA COUNTY BOND FUNDING FROM THE ATTERBURY WASH SANCTUARY PROJECT TO THE PANTANO RIVER PARK**

Mayor Walkup announced City Manager’s communication number 371, dated July 6, 2006, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on a request for Pima

County to reallocate bond funding. Speakers would be limited to five-minute presentations and the public hearing was scheduled to last for no more than one hour.

Mayor Walkup asked if there was anyone else who wished to speak on the item. There was no one.

It was moved by Council Member West, 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 Resolution 20390 by number and title only.

Resolution No. 20390 relating to parks; requesting the Pima County Board of Supervisors reallocate \$800,000 in 2004 Pima County General Obligation Bond Funds from the Atterbury Sanctuary Wash Project to the Pantano River Park Project; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, to pass and adopt Resolution 20390.

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

Nay: None

Resolution 20390 was declared passed and adopted by a roll call vote of 7 to 0.

**10. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 27), RELATING TO AN INCREASE IN WATER RATES**

Mayor Walkup announced City Manager's communication number 381, dated July 6, 2006, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the adoption of an increase in water rates. Speakers would be limited to five-minute presentations and the public hearing was scheduled to last for no more than one hour.

Mayor Walkup asked if there was anyone else who wished to speak on the item.

John Ott, IRI Golf Group Arizona Regional Vice-President, said they operated four golf courses in the area. He stated opposition to the proposed reclaimed water rate increase, which he understood was a 10.5 percent increase. Mr. Ott stated the

*Arizona Daily Star* had written developers were losing interest in golf. He stated the golf industry was either declining or flat since 2001. A 10.5 percent increase would increase their water costs thirty-five to forty thousand dollars per golf course annually. The increase was in addition to a thirty thousand dollar annual gasoline cost increase and the industry could not sustain a forty thousand dollar increase per course. If there was a forty thousand dollar increase per course, it would be difficult to maintain the quality and services the golf courses offer. He said he thought it would jeopardize winter tourism, and how many people visited Tucson, who also spent money in hotels, restaurants, and malls.

Mr. Ott said Governor Janet Napolitano recognized the value of the golf industry by making May "Golf Arizona Month." He said according to the Governor's Office, golf had an overall impact of 3.4 billion dollars on Arizona's economy and the golf industry only used two percent of the state's water annually. He asked the Council to consider that water conservation was everyone's responsibility not just a few golf courses. Increasing fees a dollar or two for every consumer would generate much more income than targeting a few golf courses who were forced to use reclaimed water that had a considerably higher rate than potable water.

Mr. Ott said he thought the reclaimed water rate was approximately thirty-seven percent higher than the potable water rate they pay at golf courses and for well water. He said a 10.5 percent increase would have catastrophic effects on winter tourism and he thought the City should evaluate what the private sector was forced to do, as a result, such as cut staff, benefits, and wages. Whatever it took to avoid increases of this magnitude.

Michael Toney stated Pima County was interested in restricting ground water pumping for golf courses. He said it was a sad situation with the amount of water used, which he thought was less than what was used in Paradise Valley in Phoenix. He questioned if they were using a lot of water for plants and manicured gardens. He said he did not see an alternate solution. Mr. Toney said water runoff needed to be captured and the water needed to be used more efficiently. He suggested Mr. Ott try to reach an agreement with Tucson Fire Department to collect water released from fire hydrants in Tucson Water's Maintaining the Mains program. He advised the Council not to worry about the concerns voiced by Mr. Ott, although it was difficult for his industry. He said there had to be another solution to the issues. He said as ground water decreased and green space dried up, the ambient air temperature was rising where it would have an effect on the dewpoint, when it rained and how much it would rain.

Mayor Walkup asked if there was anyone else who wished to speak on the item. There was no one.

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



Mayor Walkup asked the City Clerk to read Ordinance 10305 by number and title only.

Ordinance No. 10305 relating to water; amending certain portions of the Tucson Code, Chapter 27, Water, Article II, Rates and charges, Section 27-31, Definitions; Section 27-32.1, Monthly reclaimed water service charges; Section 27-33, Monthly potable water service charges; Section 27-54, Returned checks; and declaring an emergency.

It was moved by Council Member West, duly seconded, to pass and adopt Ordinance 10305.

Council Member West said the reclaimed water rates were lower than potable water rates, but the difference was that there was a summer surcharge. She asked the Utility Services Director, if it would be better for the golf industry to use the same amount of water year round to avoid the surcharge.

David Modeer, Utility Services Department Director, clarified there were no summer surcharges on reclaimed water, only on potable commercial services.

Council Member West thanked Mr. Modeer for the correction and said she had thought that was what was driving the costs up.

Vice Mayor Leal said this conversation had begun a few weeks ago. This was the most recent chapter in their conversation about water. He said the things he was greatly concerned about were already on record. For example, the eleven thousand acre-feet of storm water that traveled down the Santa Cruz River and was lost every year that was not being attempted to capture and make use of for the future. The water ended up in a aquifer the City had no control over. His second concern was the approximately thirteen thousand acre-feet of water that leaked and was lost in the system they had discussed the previous week. Tucson Water estimated approximately ten percent of water was not available. Those two issues combined accounted for twenty percent of the annual water usage.

Vice Mayor Leal said another issue they discussed a few weeks ago had to do with the rate table. He said he took issue with the rate table. He stated it should not simply be a function of the cost of service delivery, but the rate table also needed to reflect the City's principals and policies regarding water. He said this was not a new statement. It was something mayors and councils had been saying for a long time and in spite of that, the rate table did not reflect those principals. He said in his opinion, they were rewarding consumption and penalizing conservation.

Vice Mayor Leal said the basic argument for the water maintenance fee created a few years ago was about justice, not recovery, and also somewhat about principal. It was done because Tucson ratepayers had paid for the debt service for all the capital projects to create surplus capacity for the future and the City decided it was appropriate and good

to have new meter hook-ups pay a water maintenance fee so they could pay into the system that others had built for them. This was so everyone shared in paying for the benefit that everyone needed over time. He said it was a good ethic.

Vice Mayor Leal said they discussed the issue of needing to utilize all the capacity of the City's allocation of Central Arizona Project (CAP) water a month or so ago, and it was absolutely correct. The concern was they had not approached users paying for the water needed in the future with the same kind of thoughtful mechanism they did with the water maintenance fee. They were having existing customers pay for those in the future. These were large contradictions.

Vice Mayor Leal said what was important about him stating these things the last few weeks was to not only get them on the record, but to include them in the conversation about sustainability, the future, how to structure a rate table and what kinds of direction they should follow. He said he thought, from talking with his colleagues and hearing from others over time, the conversation had begun. He said he thought the Council would be very deliberate about it and would engage City staff, in particular Tucson Water, to deal with some of the contradictions, so issues around sustainability were much more secure than the current mechanisms and structures facilitated or not.

Vice Mayor Leal said for these reasons, he was comfortable voting for this to proceed to secure the utilization of the City's allocation. The arguments had not been to stop that, but to promulgate a conversation about water and sustainability and that had been achieved. Because he had faith that his colleagues would continue to embrace that, he would vote for this so they could move forward together.

Council Member Uhlich thanked Vice Mayor Leal for his comments and said she wanted to note, as he did, the system equity fee was put in place to assist the community in ensuring that large capital costs, like those the City would be incurring to draw down the CAP allocation, were borne fairly by current and future ratepayers. They were working with Tucson Water staff and with the Citizens' Water Advisory Committee (CWAC) to make sure the system equity fee was appropriately adjusted as future capital costs were incurred. They would also address the forward looking development fees, which were part of Tucson Water's long-range plan, in the upcoming months and as the full financial future of the department unfolded. She said she wanted to make note of that to make sure the commitment Vice Mayor Leal expressed was made clear and that they would see that happening, not only on the record, but in action.

Mayor Walkup said as Vice Mayor Leal so eloquently expressed, the Council had discussed the issue considerably and he thought it was correct to say the dialog had progressed. He said one thing they had discussed was what do they do strategically about the extension of reclaimed water into far parts of the community. He said the viewing audience should understand was that they were committed to getting a large volume of water that was currently flooding the Santa Cruz moved to the far southeast part of the community to be used to take some of the pressure off the potable consumption. He said

he believed this was extraordinarily important. Mayor Walkup thanked Vice Mayor Leal for the thoughts he expressed, which were the thoughts of the Council.

Council Member West commended the Council for looking ahead. She said Council Member Trasoff had been very eloquent the previous week on Arizona Illustrated when she talked about the need to take the CAP allocation. She said it was very important, especially if there was a shortage declared on the Colorado River because it would not be the City's allocation that would be cut it would be what the City had been using. She said she thought they were setting some trends for the future. It was very important to the community building the recharge basins, as was required in the 1995 Act, getting the CAP water into the ground, then starting to work with reclaimed water so it was in all parts of the community because it was a very important resource. Additionally, she commended Tucson Water because in their long-range plan they had discussed how they would take care of the ten percent of the lost water. She said she knew they had a methodical approach to this issue such as replacing meters and she wanted that plan brought forward again. She said she wanted to begin working with the public on the issue. She said she would continue to reiterate this until it started to happen.

Council Member Trasoff said it was wonderful to hear the comments made and she thought it reflected the Council's commitment to responsible long-term planning on this and many other levels. She said she thought it was a positive step for Tucson.

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

Upon roll call, the results were:

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

Nay: Council Member Ibarra

Ordinance 10305 was declared passed and adopted by a roll call vote of 6 to 1.

**11. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 21), RELATING TO AN INCREASE OF REID PARK ZOO ADULT ADMISSION FEES**

Mayor Walkup announced City Manager's communication number 380, dated July 6, 2006, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing to increase Reid Park Zoo adult admission fees by one dollar. Speakers would be limited to five-minute presentations and the public hearing was scheduled to last for no more than one hour.

Mayor Walkup asked if there was anyone who wished to speak on the item.

Michael Toney asked to see a mathematical model to see the affects of raising the price of going to the Zoo versus the volume of people who may show up. He also asked what the adult admission was.

Fred Gray, Parks and Recreation Department Director, responded admission was five dollars for adults.

Mr. Toney asked if he was permitted to ask questions.

Michael Rankin, City Attorney, responded Mr. Toney was permitted to ask questions that would be responded to after the close of the public hearing.

Mr. Toney asked if they would see a drop in attendance with the increase. He said he favored the approach of keeping prices down and increasing the volume of attendance if they were going to be keeping the elephants at the Zoo. He asked if the purpose of increasing admission was to charge a certain percentage of adults who went to the zoo. He said he thought a five dollar admission was pretty high.

Mayor Walkup asked if there was anyone else who wished to speak on the item. There was no one.

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

Mayor Walkup asked the City Clerk to read Ordinance 10304 by number and title only.

Ordinance No. 10304 relating to parks and recreation; increasing Reid Park Zoo admission fees by amending Chapter 21, Section 21-51, of the Tucson Code; providing an effective date for the increase; and declaring an emergency.

It was moved by Council Member Uhlich, duly seconded, to pass and adopt Ordinance 10304.

Council Member Uhlich asked that it be noted the item was coming to the Council as a recommendation from the Parks and Recreation Department and the Zoo so it could be a part of the Zoo strategy for raising the necessary funds associated with previous Mayor and Council actions. She said she wanted to emphasize that the Council did support the Zoo's efforts in raising the funds to the greatest extent possible so they were successful in their plan and also so the City would not bear the cost burden from the General Fund.

Council Member West mentioned her husband was in Philadelphia and he took their preschool age grandchildren to the Zoo. She said the admission was thirty-three dollars for him and eight dollars for each of the children. She said she thought the City Zoo admission was a bargain. She also said she thought raising admission one dollar

would probably not hurt and she thought there was also a sliding fee scale for people who could not afford the Zoo admission.

Fred Gray, Parks and Recreation Department Director, said they worked with those needing access and the Tucson Zoological Society offered opportunities to access the Zoo.

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

Nay: None

Ordinance 10304 was declared passed and adopted by a roll call vote of 7 to 0.

**12. ZONING: (C9-05-32) HERMAN MARK HOMES – 29<sup>TH</sup> STREET, RX-1 TO R-1, CITY MANAGER’S REPORT (CONTINUED FROM THE MEETING OF JUNE 20, 2006)**

Mayor Walkup announced City Manager’s communication number 382, dated July 6, 2006, would be received into and made a part of the record. He also announced this was a request to rezone property located at the northwest corner of twenty-ninth Street and Harrison Road. He asked if the applicant or representative was present and if they were agreeable to the proposed requirements.

Don Laidlaw, on behalf of the property owners, said he agreed with the conditions.

Council Member West said they had delayed the item due to some additional wording in the design standards.

It was moved by Council Member West, duly seconded, to approve the request for rezoning as recommended by the Zoning Examiner in Zoning Case C9-05-32.

Council Member Trasoff commended her colleague for working with the developer and neighborhoods. She said there had been protests and by working together they had managed to overcome the problems so they had what looked like a creative development going into the area. She also commended everyone involved for that ability to reach out and work with neighborhoods and come to a consensus.

Kathleen S. Detrick, City Clerk, asked for clarification from the Development Service Department Director, since the conditions were slightly different.

Ernie Duarte, Development Service Department Director, said there was a slight difference in the recommended conditions. Peter Gavin, Zoning Examiner, recommended approval of the case with the exception of condition twelve. He said it was staff's recommendation that condition twelve remain.

Council Member West asked the City Clerk what the appropriate motion was.

Ms. Detrick, referred the question to the City Attorney, since the conditions were slightly different.

Michael Rankin, City Attorney, said the motion made was to adopt with the Zoning Examiner's recommended conditions. He said if that was what they intended, that was the motion on the floor.

Ms. Detrick added they could modify the Zoning Examiner's recommendation to include the modifications to condition number twelve.

The motion was amended by Council Member West, amendment accepted by second, and carried by a voice vote of 7 to 0, to authorize the request for rezoning with modified condition number twelve as recommended by the City Manager.

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

Mayor Walkup announced City Manager's communication number 367, dated July 6, 2006, would be received into and made a part of the record.

Kathleen S. Detrick, City Clerk, explained the item was a little different than usual and she would assist the Council through the appointments. Three separate motions were required. The first item concerned the renaming of one of the Mayor and Council Strategic Focus Area Subcommittees, which was recommended by the Environment, Planning and Resource Management Intelligent Growth Subcommittee. The Subcommittee had requested the Council change the Subcommittee's name to Environment, Planning and Resource Management.

Ms. Detrick confirmed the recommendation from the Subcommittee at their meeting held on June 22, 2006, was that Subcommittee be named the Environment, Planning and Resource Management Subcommittee.

Mayor Walkup asked for a motion to approve the renaming of the Subcommittee.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to approve the renaming of the Mayor and Council Strategic Focus Area Subcommittee - Environment, Planning and Resource Management Intelligent Growth to Environment, Planning and Resource Management.

Ms. Detrick explained the second item was to approve the appointments in the report.

Mayor Walkup asked for a motion to approve the appointments in the report.

It was moved by Council Member West moved, duly seconded, and carried by a voice vote of 7 to 0, to appoint Mary Lou Natividad, Bill Burnett and Michael Urbanski to the Pima County/Tucson Commission on Addiction, Prevention and Treatment, and to appoint Leo Quesada to the Fire Code Review Committee.

Ms. Detrick explained the third item was to approve the appointments to the City Magistrates Merit Selection Committee, which was made by the political party in the minority. Mayor Walkup represented the political party in the minority.

Mayor Walkup, declared his appointment of Peter Aronoff to the City Magistrates Merit Selection Committee.

Mayor Walkup asked if there were any personal appointments to be named. There were none.

**14. ADJOURNMENT 6:47 p.m.**

Mayor Walkup announced the Mayor and Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, August 8, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 6<sup>th</sup> day of July 2006, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:rm/eg