



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on December 19, 2006

Date of Meeting: November 21, 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 5:31 p.m. on Tuesday, November 21, 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	Vice Mayor, Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:

Steve Leal	Council Member Ward 5
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Staff Members Present:

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor John Luttmann, Real Life Christian Fellowship, after which the pledge of allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager's communication number 627, dated November 21, 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 Scott announced on November 29, 2006 the Ward IV office, along with the Tucson Police Department would be hosting the first town hall on Photo Radar Enforcement.
- b. Council Member Uhlich thanked the Department of Neighborhood Resources, the Tucson Police Department, and Ward III Council Aide, George Pettit for their involvement in the graffiti abatement forum.
- c. Council Member Trasoff requested to make two appointments at this time, instead of during the Boards, Commissions and Committees item, because one of her personal appointments was present in the audience. She announced her appointments of Katherine "Kate" Galgiani to the Citizen Transportation Advisory Committee and Wendy Amara Cevallos to the Pima County/Tucson Women's Commission.
- d. Mayor Walkup recognized Richard DeBernardis and the twenty-fourth annual El Tour De Tucson event, which drew thousands of people from all over the world.

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

Mayor Walkup announced City Manager's communication number 628, dated November 21, 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.

Mike Hein, City Manager, reported this past weekend was a busy and successful one, with multiple events taking place in different areas of the City:

- a. The First Annual Family Festival in the Park was held November 18, 2006, showcasing all the programs and services that are provided by Parks & Recreation. The event was co-sponsored by several community partners, including the Dan Felix Memorial Fund which made it possible for free admittance to the Zoo. This was a family event with attendance estimated at 9,500 people.

- b. The Firefighter's Chili Cook-off held on November 17, 2006 at El Presidio Park was a success. Approximately forty thousand dollars would be returned to the community via the Adopt-a-Family program that assists those less fortunate members of our community by providing food, clothing and gifts during the Holiday season.

Kathleen S. Detrick, City Clerk, announced Susie Rogers was available to provide Spanish language translation for anyone who needs it.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 629, dated November 21, 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

Person/Location Transfer

- 1. CVS/pharmacy #07867, Ward 6
5100 East Grant Road
Applicant: Jason Barclay Morris
Series 9, City 109-06
Action must be taken by: December 10, 2006
Staff has indicated the applicant is in compliance with city requirements.

- c. Special Event

- 1. Greater Tucson Leadership, Ward 1
On Congress, between Church and Stone
Applicant: Leanor Priscilla Peterson
City T83-06
Date of Event: December 2, 2006
Fundraiser
Staff has indicated the applicant is in compliance with city requirements.

- d. Agent Change/Acquisition of Control

- 1. Louis Market, Ward 5
4009 South 12th Avenue
Applicant: Da Qiang Mei
Series 09, City AC21-06
Action must be taken by: December 11, 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 6 to 0, (Council Member Leal Absent/Excused) to forward liquor license applications 5b1, 5c1 and 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 any items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. Russ Dove spoke about the public access channels and about the recent November election.
- b. Michael Toney spoke about the University of Arizona and astrological birth control.

7. CONSENT AGENDA – ITEMS A AND B

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

- A. REAL PROPERTY: DEVELOPMENT AGREEMENT WITH WILLIAMS & DAME DEVELOPMENT FOR THE DEVELOPMENT OF THE DOWNTOWN DEPOT PLAZA HOUSING AND RETAIL PROJECT
 - 1. Report from City Manager Nov21-06-635 WARD 6
 - 2. Resolution No. 20509 relating to development; approving the assignment of the development rights to the Development Agreement for the Depot Plaza Project from Congress Street Redevelopment to Depot Plaza Investors, LLC; approving a Development Agreement with Depot Plaza Investors, LLC and the Rio Nuevo Multipurpose Facilities District for the development of the Depot Plaza Project; and declaring an emergency.
- B. ANNEXATION: CLARIFICATION REGARDING THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH THE ARIZONA BOARD OF REGENTS AND KB HOME
 - 1. Report form City Manager NOV21-06-637 WARD 4

2. Resolution No. 20510 relating to annexations; authorizing and approving a Clarification of the Pre-Annexation and Development Agreement between the City of Tucson, the Arizona Board of Regents, and KB Home Tucson, Inc.; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, that Consent Agenda Items A and B 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, Uhlich, Scott, and Trasoff;
Vice Mayor West, and Mayor Walkup

Nay: None

Absent/Excused: Council Member Leal

Consent Agenda Items A and B were declared passed and adopted by a roll call vote of 6 to 0.

8. ANNEXATION: UNIVERSITY OF ARIZONA SCIENCE AND TECHNOLOGY PARK ANNEXATION DISTRICT, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 636, dated November 21, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10298 by number and title only.

Ordinance No. 10298 relating to annexation; extending and increasing the corporate limits of the City of Tucson, Pima County, Arizona pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing thereto certain portions of Sections 17, 18, 19, 20, 21, 28, and 29, T. 15 S., R.15 E., G.&S.R.B.& M., Pima County, Arizona, more particularly described in the body of this Ordinance; and declaring an emergency.

Council Member Scott reiterated how important this annexation was and thanked everyone involved in this annexation process.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10298.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10298 was declared passed and adopted by a roll call vote of 6 to 0.

The Mayor thanked Council Member Scott and everyone involved in this effort.

9. ZONING: (C15-06-01) ESTABLISHMENT OF ORIGINAL CITY ZONING FOR THE ARIZONA BOARD OF REGENTS ANNEXATION DISTRICT, ALSO KNOWN AS THE UNIVERSITY OF ARIZONA SCIENCE AND TECHNOLOGY PARK ANNEXATION DISTRICT, COUNTY I-1 AND I-2 TO CITY I-1 AND I-2, EXTENSION OF MAJOR STREETS AND ROUTES, EXTENSION OF THE ENVIRONMENTAL RESOURCE ZONE, EXTENSION OF THE AIRPORT ENVIRONS ZONE, CITY MANAGER'S REPORT, AND ORDINANCE ADOPTION

Kathleen S. Detrick, City Clerk, stated this item included a Zoning Examiner's Report.

Mayor Walkup announced City Manager's communication number 634, dated November 21, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10291 by number and title only.

Ordinance No. 10291 relating to zoning; establishing original City zoning for approximately 573 acres bounded by Kolb Road on the west, Interstate 10 (I-10) on the south, the Union Pacific Railroad and vacant land on the north and by the University of Arizona Science Technology Park (UASTP) on the east, which will be annexed to the City of Tucson prior to the effective date; and specifying an effective date.

Ms. Detrick, stated there were minor corrections to read into the record. In the Ordinance 10291 on page 1, Section 1 Line 3 – changing “University of Arizona Science and Technology Park” to “U of A Science and Technology Park.” On page 2, Section 4 Line 1 – changing “Arizona Board of Regents” to “U of A Science and Technology Park” and in that same section on Line 3 - adding zoning district “RH.” Also on page 2 – adding a new Section 5 that states “The Conditions as Adopted by Pima County and as are applicable to conform to state law shall be applied within the City”; and re-numbering the prior Section 5 to Section 6, and re-numbering the prior Section 6 to Section 7.

Ms. Detrick said the Ordinance map was revised to state the name of the annexation district as the “U of A Science and Technology Park” to conform to the name on the map filed with the annexation district. The “Area of Annexation” description of the county and city zones was revised to include the translation of the Pima County “RH” zone already identified in the northwest corner of the map to the City “RH” zone. The “R” in a circle following the proposed City zones was deleted to conform to standard City policies that no longer identify zoning restrictions in this manner. Attachment G to the Communication was also revised in the same manner as the map to the ordinance.

It was moved by Council Member Scott, duly seconded, to approve the request for original City zoning as recommended by the Zoning Examiner and to pass and adopt Ordinance 10291 with the changes read into the record by the City Clerk.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10291 was declared passed and adopted by a roll call vote of 6 to 0.

10. ZONING: (C9-06-02) ARIZONA BOARD OF REGENTS – KOLB ROAD, I-1/I-2 TO R-2, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

Kathleen S. Detrick, City Clerk, stated this item included a Zoning Examiner’s Report.

Mayor Walkup announced City Manager’s communication number 626, dated November 21, 2006, would be received into and made a part of the record.

Mayor Walkup asked if the applicant was present.

Jim Fortner, Projects International on behalf of KB Home and the U of A, stated he was agreeable to the conditions of the proposal.

Mayor Walkup asked the City Clerk to read Ordinance 10346 by number and title only.

Ordinance No. 10346 relating to zoning; amending zoning district boundaries in the area located on the north side of Interstate 10 (I-10), east of Kolb Road in case C9-06-02, Arizona Board of Regents – Kolb Road, I-1 and I-2 to R-2; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to approve the request for rezoning as recommended by the Zoning Examiner and to pass and adopt Ordinance 10346.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10346 was declared passed and adopted by a roll call vote of 6 to 0.

Council Member Scott welcomed all her new constituents into the City and to Ward 4. She was looking forward to all the phone calls her office would be receiving with any questions they may have.

11. ZONING: (C9-06-23) DRACHMAN INSTITUTE – 15TH STREET I-1 TO R-2, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

Kathleen S. Detrick, City Clerk, stated this item included a Zoning Examiner’s Report.

Mayor Walkup announced City Manager’s communication number 630, dated November 21, 2006, would be received into and made a part of the record.

Mayor Walkup asked if the applicant or representative was present. No one was present.

Mayor Walkup asked the City Clerk to read Ordinance 10342 by number and title only.

Ordinance No. 10342 relating to zoning: amending zoning district boundaries in the area located on the southwest corner of 15th Street and Star Avenue in Case C9-06-23, Drachman Institute – 15th Street, I-1 to R-2; and setting an effective date.

It was moved by Council Member Trasoff, duly seconded, to approve the request for rezoning as recommended by the Zoning Examiner and to pass and adopt Ordinance 10342.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10342 was declared passed and adopted by a roll call vote of 6 to 0.

12. ZONING: (SE-06-12) ALLTEL – 7TH AVENUE C-1, SPECIAL EXCEPTION LAND USE, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

Kathleen S. Detrick, City Clerk, stated this item included a Zoning Examiner’s Report.

Mayor Walkup announced City Manager’s communication number 631, dated November 21, 2006, would be received into and made a part of the record.

Mayor Walkup asked if the applicant or representative was present.

Steve Olsen, Star Bridge Communications representing Alltel, said they were agreeable to the proposed conditions.

Mayor Walkup asked the City Clerk to read Ordinance 10343 by number and title only.

Ordinance No. 10343 relating to zoning; a special exception land use – communications use – Alltel – 7th Avenue – east side of 7th Avenue between Mabel and Helen Streets; approving with conditions the construction of a 59 foot tall cellular communications tower disguised as a palm tree in the C-1 zone – Case SE-06-12; and setting an effective date.

Council Member Trasoff said there were three protests and three people in support and asked if anyone who had filed a formal protest or who was in support were present to speak. No one was present.

It was moved by Council Member Trasoff, duly seconded, to approve the request for rezoning as recommended by the Zoning Examiner and to pass and adopt Ordinance 10343.

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

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10343 was declared passed and adopted by a roll call vote of 6 to 0.

13. ZONING: (C9-05-23) HARKIN THEATERS – CALLE SANTA CRUZ, P-I TO C-3, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 632, dated November 21, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10344 by number and title only.

Ordinance No. 10344 relating to zoning: amending zoning district boundaries in the area located on the east side of Calle Santa Cruz, south of Irvington Road in Case C9-05-23, Harkin Theaters – Calle Santa Cruz, P-I to C-3; and setting an effective date.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Ordinance 10344.

Mayor Walkup asked if there was any discussion. Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10344 was declared passed and adopted by a roll call vote of 6 to 0.

14. CITY CLERK: REAPPOINTMENT OF CITY CLERK

Mayor Walkup announced City Manager’s communication number 633, dated November 21, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10345 by number and title only.

Ordinance No. 10345 relating to City Clerk; appointing a City Clerk; and declaring an emergency.

It was moved by Vice Mayor West, duly seconded, to pass and adopt Ordinance 10345.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

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

Nay: None

Absent/Excused: Council Member Leal

Ordinance 10345 was declared passed and adopted by a roll call vote of 6 to 0.

15. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager’s communication number 625, dated November 21, 2006, would be 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 Vice Mayor West, duly seconded, and carried by a voice vote of 6 to 0 (Council Member Leal Absent/Excused), to appoint Paul R. Hetrick, Vietnam Veterans of America Tucson Chapter 106, to the Veteran’s Affairs Committee.

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

Mayor Walkup referred to the appointments made earlier in the meeting. No other appointments were made at this time.

City Clerk Note: See Item 3.c for personal appointments made by Council Member Trasoff of Katherine “Kate” Galgiani to the Citizen Transportation Advisory Committee and Wendy Amara Cevallos to the Pima County/Tucson Women’s Commission.

16. ADJOURNMENT: 6:06 p.m.

Mayor Walkup announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, November 28, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 21st day of November 2006, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD:plp/lh