

MAYOR AND COUNCIL - REGULAR MEETING

ADMINISTRATIVE ACTION REPORT AND SUMMARY AUGUST 6, 2008

FROM: CITY MANAGER



1. ROLL CALL: 5:35 p.m.

OFFICIAL MEMBERS PRESENT: Mayor Robert E. Walkup, Vice Mayor Nina J. Trasoff, Council Members Regina Romero, Rodney Glassman, Karin Uhlich, and Shirley C. Scott, and Roger Randolph, City Clerk

OFFICIAL MEMBERS ABSENT/EXCUSED: Steve Leal

STAFF MEMBERS: Mike Letcher, Deputy City Manager, Richard Miranda Assistant City Manager, and Mike Rankin, City Attorney

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Rabbi Samuel M. Cohon, Temple Emanu-El, after which the Pledge of Allegiance was led by Girl Scout Cadet Troop 565.

PRESENTATIONS

- a. Presentation of Copper Plaque to Jerry Gary as an "Extraordinary Volunteer"
- b. Proclaiming September to be "Emergency Preparedness Month"
- c. Proclaiming August 20 to be the "233rd Anniversary of Tucson"

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
This item was taken out of order	<u>DEV. SERVICES</u>
10. TRANSPORTATION: RENAMING NORTH JONES AVENUE FROM THE NORTH SIDE OF EL CON MALL TO EAST FIFTH STREET AS "NORTH GUAPO WAY" - AUG6-08- <u>406</u>	
ORDINANCE NO. <u>10574</u>	
Vice-Mayor Trasoff MOVED and it was duly seconded to PASS and ADOPT Ordinance No. <u>10574</u> .	
Motion PASSED by a vote of 6 to 0 (Council Member Leal absent/excused).	

AGENDA ITEM /MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS - AUG6-08-<u>393</u></p> <p>No Reports were given.</p>	
<p>4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS - AUG6-08-<u>394</u></p> <p>No Reports were given.</p>	
<p>5. LIQUOR LICENSE APPLICATIONS – AUG6-08-<u>395</u></p> <p>b. Liquor License Applications New License(s) 3. Courtyard By Marriott, City 46-08 4. Grand Buffet, City 47-08 5. Laffs Comedy Caffe, City 44-08</p> <p>Location Transfer(s) 6. Peter Piper Pizza, City 45-08</p> <p>c. Special Event(s) 1. Arizona Theatre Company, City T43-08 2. Comite de Festividades Mexicanas, City T46-08 3. Tucson Breakfast Lions Club, City T47-08 4. Satori, Inc., City T50-08 5. Tucson’s Young Professionals, Inc., City T53-08</p> <p>Council Member Glassman MOVED and it was duly seconded to forward Items 5b3-6, and 5c1-5 to the State Liquor Board with a recommendation for APPROVAL.</p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	<p><u>CITY CLERK</u></p>
<p>b. Liquor License Applications New License(s) 1. Buffalo Wild Wings Grill and Bar, City 42-08</p> <p>This item was continued to the meeting of September 3rd, 2008</p>	
<p>This item was considered separately.</p>	

AGENDA ITEM /MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>b. Liquor License Applications New License(s) 2. Circle K Store #3391, City 43-08</p> <p>Council Member Uhlich MOVED and it was duly seconded to forward Items 5b2 to the State Liquor Board with No Recommendation.</p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	
<p>6. CALL TO THE AUDIENCE</p> <p>The following people spoke at the Call to the Audience: Dave Croteau, Richard Bayse, Mark Berman, Michael Toney, Joe Sweeney, Bishop Chicago, John Kromko, Ken Scoville, Terrence McMahon, Larry Lopez, Bob Shantz, Priscilla Storm</p>	
<p>Council Member Scott departed 6:45pm and returned at 6:47pm</p> <p>7. CONSENT AGENDA</p> <p>A. REAL PROPERTY: ACQUISITION OF PROPERTY FOR A WATER BOOSTER AND PRESSURE REDUCING VALVE STATION LOCATED NEAR RUTHRAUFF ROAD AND LA CHOLLA BOULEVARD - AUG6-08-<u>397</u></p> <p>Resolution No. <u>21030</u></p>	<p><u>WATER</u></p>
<p>B. TUCSON CODE: AMENDING (CHAPTER 7) RELATING TO AGE RESTRICTIONS, EXEMPTIONS AND SECURITY REQUIREMENTS FOR DANCE HALLS - AUG6-08-<u>402</u></p> <p>Ordinance No. <u>10571</u></p> <p>City Attorney Mike Rankin read a correction into the record so that Section 7-366(a)(9) is revised to read as follows:</p>	<p><u>CITY ATTORNEY</u></p>

Continued from the previous page.

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<p>C. TUCSON CODE: AMENDING (CHAPTER 7) RELATING TO AGE RESTRICTIONS, EXEMPTIONS AND SECURITY REQUIREMENTS FOR DANCE HALLS - AUG6-08-<u>402</u></p> <p>(9) The applicant shall be required to provide security personnel for crowd and traffic control and patron security in any parking areas used for the event, at a level as determined by the chief of police.</p>	
<p>C. PARKS AND RECREATION: NAMING THE SENIOR CENTER BUILDING IN MORRIS K. UDALL PARK THE "CAROL W. WEST SENIOR ADDITION" AND REPEALING RESOLUTION NUMBER 20951 - AUG6-08-<u>403</u></p> <p>Resolution No. <u>21027</u></p>	<p><u>PARKS & REC.</u></p>
<p>D. REAL PROPERTY: APPROVING A GROUND LEASE AGREEMENT WITH T -MOBILE WEST CORPORATION FOR A WIRELESS CELLULAR ANTENNAE AT 1220 NORTH GREASEWOOD ROAD - AUG6-08-<u>398</u></p> <p>Ordinance No. <u>10573</u></p>	<p><u>REAL ESTATE</u></p>
<p>E. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE "ADKINS STEEL" PARCEL AT HISTORIC FORT LOWELL - AUG6-08-<u>405</u></p> <p>Resolution No. <u>21028</u></p>	<p><u>PARKS & REC.</u></p>
<p>F. ASSURANCE AGREEMENT AND FINAL PLAT: (S06-205) LAS SENDAS (RCP), LOTS 1 TO 77 AND COMMON AREAS "A", "B", "C", AND "D" - AUG6-08-<u>407</u></p> <p>Resolution No. <u>21029</u></p>	<p><u>DEV. SERVICES</u></p>
<p>G. GRANT APPLICATION: TO THE GILA RIVER INDIAN COMMUNITY IN SUPPORT OF PLANNED</p>	<p><u>FINANCE</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION	STAFF ACTION
PARENTHOOD ARIZONA - AUG6-08- <u>422</u> Resolution No. <u>21041</u>	
H. REAL PROPERTY: ACQUISITION OF WATER LINE EASEMENT FOR THE HONEYWELL MANUFACTURING COMPLEX - AUG6-08- <u>408</u> Resolution No. <u>21031</u>	<u>WATER</u>
I. GRANT AGREEMENT: WITH THE ARIZONA ATTORNEY GENERAL'S OFFICE FOR THE VICTIMS' RIGHTS PROGRAM - AUG6-08- <u>404</u> Resolution No. <u>21032</u>	<u>CITY ATTORNEY</u>
J. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE PROVISION OF TWICE-A-DAY INITIAL COURT APPEARANCES - AUG6-08- <u>410</u> Resolution No. <u>21034</u>	<u>CITY COURT</u>
K. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY SUPERIOR COURT FOR PROVIDING JURORS TO TUCSON CITY COURT - AUG6-08- <u>409</u> Resolution No. <u>21035</u>	<u>CITY COURT</u>
L. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO WORLD CARE FOR THE "TOOLS FOR SCHOOLS" PROGRAM - AUG6-08- <u>414</u> Resolution No. <u>21036</u> City Clerk Roger Randolph announced that dollar amount in this Community Support Fund Transfer has been revised to \$750.	<u>BUDGET & RESEARCH</u>
M. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE QUINCIE DOUGLAS BRANCH LIBRARY TO SUPPORT NATIONAL NIGHT OUT - AUG6-08- <u>413</u>	<u>BUDGET & RESEARCH</u>

AGENDA ITEM /MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>Resolution No. <u>21037</u></p>	
<p>N. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO CALPULLI TEOXICALLI TO SUPPORT THE BARRIO RUN - AUG6-08-<u>412</u></p> <p>Resolution No. <u>21038</u></p>	<p><u>BUDGET & RESEARCH</u></p>
<p>O. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO LUZ SOCIAL SERVICES, INC. TO SUPPORT NATIONAL LATINO AIDS AWARENESS DAY - AUG6-08-<u>411</u></p> <p>Resolution No. <u>21039</u></p> <p>City Clerk Roger Randolph announced that Ward 1 has added \$250 of Community Support Funds to the original \$250 allocated by Ward 5. The new total is \$500.00.</p>	<p><u>BUDGET & RESEARCH</u></p>
<p>P. FINANCIAL PARTICIPATION AGREEMENT: WITH TUCSON REGIONAL ECONOMIC OPPORTUNITIES, INC. (TREGO) - AUG6-08-<u>415</u></p> <p>Resolution No. <u>21040</u></p>	<p><u>CITY MANAGER</u></p>
<p>Q. APPROVAL OF MINUTES - AUG6-08-<u>417</u></p>	<p><u>CITY CLERK</u></p>
<p>R. MEMORIAL: SUPPORTING THE U VISA PROGRAM - AUG6-08-<u>420</u></p>	<p><u>CITY ATTORNEY</u></p>
<p>S. MEMORIAL: URGING THE ARIZONA STATE LEGISLATURE TO POSTPONE IMPLEMENTATION OF HOUSE BILL 2064 REGARDING THE ENGLISH LANGUAGE LEARNER PROGRAM - AUG6-08-<u>421</u></p>	<p><u>CITY ATTORNEY</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>T. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SOUTHERN ARIZONA AIDS FOUNDATION TO HELP SUPPORT THE ANNUAL AIDSWALK - AUG6-08-<u>424</u></p> <p>Resolution No. <u>21043</u></p> <p>City Clerk Roger Randolph announced that Ward 6 has added \$1000 and Ward 4 has added \$200 of Community Support Funds to the original \$250 allocated by the Mayor. The new total is \$1,450.00.</p>	<p><u>BUDGET & RESEARCH</u></p>
<p>U. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SUNNYSIDE NEIGHBORHOOD ASSOCIATION FOR A MOVIE NIGHT EVENT - AUG6-08-<u>425</u></p> <p>Resolution No. <u>21042</u></p>	<p><u>BUDGET & RESEARCH</u></p>
<p>V. GRANT APPLICATION: TO THE GILA RIVER INDIAN COMMUNITY IN SUPPORT OF THE HAVEN - AUG6-08-<u>426</u></p> <p>Resolution No. <u>21044</u></p>	<p><u>FINANCE</u></p>
<p>W. BOARDS, COMMITTEES AND COMMISSIONS: EXTENDING THE SUNSET DATE OF THE PUBLIC EDUCATION AND GOVERNMENT TELEVISION CHANNEL TASK FORCE - AUG6-08-<u>430</u></p> <p>Resolution No. <u>21045</u></p>	<p><u>CITY ATTORNEY</u></p>
<p>X. GRANT AGREEMENT: WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR DRUG CONTROL AND SYSTEM IMPROVEMENT - AUG6-08-<u>427</u></p> <p>Resolution No. <u>21046</u></p>	<p><u>CITY ATTORNEY</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>Y. OPERATIONAL AGREEMENT AND FIRST AMENDEMENT TO THE DEVELOPMENT AND SALE AGREEMENT: WITH TOWN WEST DESIGN DEVELOPMENT, INC., FOR THE EL MIRADOR DEVELOPMENT PROJECT - AUG6-08-<u>431</u></p> <p>Resolution No. <u>21047</u></p>	<p><u>RIO NUEVO</u></p>
<p>Z. FINANCIAL PARTICIPATION AND INTERGOVERNMENTAL AGREEMENTS: WITH VARIOUS OUTSIDE AGENCIES - AUG6-08-<u>429</u></p> <p>Resolution No. <u>21048</u></p>	<p><u>BUDGET & RESEARCH</u></p>
<p>AA. DEVELOPMENT AND PURCHASE AGREEMENT: WITH THE GADSDEN COMPANY FOR THE WEST CONGRESS 14 ACRE PARCEL - AUG6-08-432</p> <p>Resolution No. <u>21049</u></p>	<p><u>RIO NUEVO</u></p>
<p>Council Member Uhlich MOVED and it was duly seconded that Consent Agenda Items A - AA, including the amendment to Items B, L, O and T, be approved and/or adopted and proper action taken.</p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	
<p>8. PUBLIC HEARING: APPLICATION BY TUCSON GREYHOUND PARK FOR AN OFF-TRACK BETTING SITE LOCATED AT THE OLIVER R. TWIST CAFÉ, 4915 EAST SPEEDWAY BOULEVARD (CONTINUED FROM THE MEETING OF MAY 20, 2008) - AUG6-08-<u>399</u></p> <p>RESOLUTION NO. <u>20949</u></p> <p>Vice-Mayor Trasoff MOVED and it was duly seconded to CLOSE the public hearing.</p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	<p><u>CITY CLERK</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>9. APPEAL: (S-08-15) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION – SUNRISE ASSISTED LIVING (MAYOR AND COUNCIL APPEAL CASE NO. S-08-002) - AUG6-08-<u>428</u></p> <p>Council Member Glassman departed 6:53 and returned at 7:01pm</p> <p>Mike Rankin departed 7:31pm returned 7: 45pm</p>	<p><u>CITY CLERK</u></p>
<p>11. ZONING: (C9-08-04) LA MARIPOSA – HOUGHTON ROAD, SR AND O-3 TO P, CITY MANAGER’S REPORT - AUG6-08-<u>418</u></p> <p>Council Member Glassman MOVED and it was duly seconded to APPROVE and AUTHORIZE the rezoning as recommended the Zoning Examiner</p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	<p><u>URBAN PLANNING & DESIGN</u></p>
<p>12. ZONING: (C9-08-05) MESQUITE VALLEY GROWERS – SPEEDWAY BOULEVARD, C-1 AND RX-2 TO C-2, CITY MANAGER’S REPORT - AUG6-08-<u>419</u></p> <p>Council Member Glassman MOVED and it was duly seconded to APPROVE and AUTHORIZE the requested C-2 zoning subject to the conditions as recommended by staff.</p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	<p><u>URBAN PLANNING & DESIGN</u></p>
<p>13. ZONING: (C9-07-03) HSL PROPERTIES – PANTANO ROAD, SR TO P, TIME EXTENSION AND CHANGE OF CONDITIONS - AUG6-08-<u>423</u></p> <p>Council Member Scott MOVED and it was duly seconded to APPROVE and AUTHORIZE the one-year time extension, from August 6, 2008, to August 5, 2009, and approve the requested change of conditions as recommended by staff.</p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	<p><u>URBAN PLANNING & DESIGN</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>14. CITY MAGISTRATES: APPOINTING NIKKI A. CHAYET AS A CITY MAGISTRATE AND FIXING COMPENSATION (CONTINUED FROM THE MEETING OF JUNE 3, 2008) - AUG6-08-<u>400</u></p> <p>ORDINANCE NO. <u>10537</u></p> <p>Vice-Mayor Trasoff MOVED and it was duly seconded to PASS and ADOPT Ordinance No. <u>10537</u>.</p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	<p><u>CITY CLERK</u></p>
<p>15. CITY MAGISTRATES: APPOINTING KAREN MAISH-LEAVITT AS A LIMITED SPECIAL CITY MAGISTRATE AND FIXING COMPENSATION - AUG6-08-<u>401</u></p> <p>ORDINANCE NO. <u>10572</u></p> <p>Council Member Romero MOVED and it was duly seconded to PASS and ADOPT Ordinance No. <u>10572</u>.</p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	<p><u>CITY CLERK</u></p>
<p>16. MAYOR AND COUNCIL: SELECTION OF VICE-MAYOR - AUG6-08-<u>416</u></p> <p>RESOLUTION NO. <u>21033</u></p> <p>Vice-Mayor Trasoff MOVED and it was duly seconded to PASS and ADOPT Resolution No. <u>21033</u> selecting Council Member Uhlich as the Vice-Mayor.</p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	<p><u>CITY CLERK</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

17. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS - AUG6-08-396

Council Member Scott moved to appoint Willie H. Bond, III to the Commission on Disability Issues, Richard Eribes to the Tucson Housing Trust Fund Citizens Advisory Committee, to re-appoint Bill Burnett to the Pima County – City of Tucson Commission on Addiction, Prevention, and Treatment, and re-appoint Steven P. Herzog and Dr. Sarah Herr to the Tucson – Pima County Historical Commission.

Motion PASSED by a vote of 6 to 0 (Council Member Leal absent/excused).

Council Member Romero appointed Stephen G. Nekolek to the Citizen Police Advisory Review Board and Peggy Hutchison to the Transit Task Force.

Council Member Glassman appointed Debbie Rich to the Pima/Tucson Women's Commission and appointed Anton Michael Russell to the Citizen Transit Task Force.

CITY CLERK

This item was reconvened at this time.

9. APPEAL: (S-08-15) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION – SUNRISE ASSISTED LIVING (MAYOR AND COUNCIL APPEAL CASE NO. S-08-002) - AUG6-08-428

Vice-Mayor Uhlich MOVED and it was duly seconded to modify the decision of the Sign Code Advisory and Appeals Board in the subject case by granting the variance with the following conditions:

1. The total size of the freestanding sign may not exceed 16.1 square feet, and the sign height may not exceed 6 feet 4 inches.
2. The encroachment into the landscape buffer may not exceed 12 feet, as measured from the back of the sidewalk.
3. As a condition of this variance, no additional signage is allowed for the site.
4. The applicant may remove vegetation to promote visibility; however the vegetation must be transplanted within the scenic buffer.

CITY CLERK

AGENDA ITEM /MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>Continued from the previous page.</p> <p>9. APPEAL: (S-08-15) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION – SUNRISE ASSISTED LIVING (MAYOR AND COUNCIL APPEAL CASE NO. S-08-002) - AUG6-08-<u>428</u></p> <p>Motion PASSED by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	
<p>18. ADJOURNMENT: 7:51 p.m.</p> <p>The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, September 3rd, 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.</p>	