

MAYOR AND COUNCIL - REGULAR MEETING

ADMINISTRATIVE ACTION REPORT AND SUMMARY DECEMBER 5, 2006

FROM: CITY MANAGER



1. ROLL CALL: 5:36 p.m.

COUNCIL MEMBERS PRESENT: Mayor Robert E. Walkup, Vice-Mayor Carol West, Council Members Jose J. Ibarra, Karin Uhlich, Steve Leal and Nina J. Trasoff, Roger Randolph, Deputy City Clerk

ABSENT/EXCUSED: Council Member Shirley Scott

STAFF MEMBERS: Mike Hein, City Manager
Mike Letcher, Deputy City Manager
Mike Rankin, City Attorney

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Rebecca Partin, City Clerk's Office, after which the Pledge of Allegiance was presented by the entire assembly.

PRESENTATIONS

- a. Presentation to the Mayor and Council of the Friend of Landscape Architecture Award.

The Deputy City Clerk announced that Susie Rogers is available to provide Spanish language translation for anyone who needs it.

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS – DEC5-06-656	
Council Member Uhlich thanked Abby Wine and Elizabeth Ramey of Oak Flower and Dodge Flower neighborhoods for their recent efforts to help the residents of an apartment complex who lost heat during freezing temperatures. Thanks also went out to TEP and the Red Cross for their responsiveness.	

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS – DEC5-06-656 (Continued from previous page)

Council Member Trasoff announced that on December 13th and 14th from 8am-2pm, the Downtown Farmers' Market & Arts & Crafts Mercado will be presenting the 7th Annual Holiday Festival on the newly renovated south lawn of the Main Library.

Council Member Trasoff announced that on Wednesday December 6th between 4 and 6:30 PM the Ward VI office is having an open house to celebrate 1 year in office. She further congratulated Council Member Uhlich for also marking her 1st year in office.

Council Member Trasoff announced with regret that her Chief Aide Paul Durham will be leaving her office to pursue other interests. She thanked Paul for his hard work for herself and the community and also for his friendship.

Mayor Walkup announced that on Saturday December 9th at 5:45 pm there will be Tree Lighting Ceremony with Mayor Walkup at the Joel D. Valdez Main Library - Jácome Plaza and that there will be a parade to follow. The parade will start in front of the Children's Museum at 6:00 PM.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS
DEC5-06-657

Deputy City Manager Mike Letcher announced that Tucson was awarded 3rd place in the Top 10 cities with population over 250,000 in the Digital Cities survey. The annual study examines how city governments are utilizing digital technologies to better serve their citizens and streamline operations.

Deputy City Manager Mike Letcher announced that the Budget Department has once again been recognized by the Government Finance Officers Association for Excellence in Budget Reporting. This award represents a significant achievement and reflects the commitment of the governing body and staff to meet the highest principles of government budgeting.

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS
DEC5-06-657 (Continued from previous page)

Congratulations go out to Ann Strine and Jim Cameron for these awards in their departments.

5. LIQUOR LICENSE APPLICATIONS – DEC5-06-655

CHOW BELLA, CITY 113-06
CLARION, CITY 111-06
BAI THONG, CITY 112-06

Council Member Ibarra MOVED and it was duly seconded that staff be directed to forward these applications to the State Liquor Board with recommendations for APPROVAL.

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

RP FOOD STORE, CITY 110-06

Council Member Uhlich MOVED and it was duly seconded that staff be directed to forward this application to the State Liquor Board with a recommendation for DENIAL.

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

CITY CLERK

6. CALL TO THE AUDIENCE

Geoff Gonzales provided a report on the Buddy Walk that was held October 21st. He thanked the Tucson Firefighters Association, Desert Diamond Casino, American Family Insurance and the Mayor and Council for their sponsorship of this event, which raised over forty-two thousand dollars for the Southern Arizona Network for Down’s syndrome.

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

6. CALL TO THE AUDIENCE (Continued from previous page)

Michael Toney spoke about the University of Arizona Science Center and does not feel this project should be a part of the West side attractions. He would prefer the money be spent on the arena project in place of a science center.

Russ Dove spoke about human rights and feels that he is not being afforded the same rights that are being given to foreign nationals that are here illegally.

7. C O N S E N T A G E N D A

*****ITEMS "L", AND "O" WERE DELETED FROM THE
CONSENT AGENDA *****

A. MAYOR AND COUNCIL: AMENDING (CHAPTER 2) OF
THE TUCSON CODE RELATING TO MEETINGS OF THE
MAYOR AND COUNCIL; AND APPROVING THE
MEETING SCHEDULE FOR 2007 – DEC5-06-659

ORDINANCE NO. 10352

ALL DEPTS AND
OFFICES

B. ASSURANCE AGREEMENT: (S06-061) KILBURN PLACE
CONDOMINIUMS, A CONDOMINIUM CONVERSION
PROJECT, UNITS 1101, 1102, 1103, 2101, 2102, 2103, 2104,
COMMON AREA "A", AND LIMITED COMMON AREAS
"B", "C", "D", "E", "F", "G", AND "H" – DEC5-06-663

RESOLUTION NO. 20516

DIR. OF DEVELOPMENT
SERVICES

C. FINAL PLAT: (S06-061) KILBURN PLACE
CONDOMINIUMS, A CONDOMINIUM CONVERSION
PROJECT, UNITS 1101, 1102, 1103, 2101, 2102, 2103, 2104,
COMMON AREA "A", AND LIMITED COMMON AREAS
"B", "C", "D", "E", "F", "G", AND "H" – DEC5-06-664

DIR. OF DEVELOPMENT
SERVICES

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

<p>D. ASSURANCE AGREEMENT: (S06-090) KILBURN MANOR CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 1101, 1102, 1103, 2101, 2102, 2103, 2104, COMMON AREA "A", AND LIMITED COMMON AREAS "B", "C", "D", "E", "F", "G", AND "H" – DEC5-06-669</p> <p>RESOLUTION NO. 20517</p>	<p><u>DIR. OF DEVELOPMENT SERVICES</u></p>
<p>E. FINAL PLAT: (S06-090) KILBURN MANOR CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 1101, 1102, 1103, 2101, 2102, 2103, 2104, COMMON AREA "A", AND LIMITED COMMON AREAS "B", "C", "D", "E", "F", "G", AND "H" – DEC5-06-670</p>	<p><u>DIR. OF DEVELOPMENT SERVICES</u></p>
<p>F. ASSURANCE AGREEMENT: (S06-095) KILBURN VIEW CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 1101, 1102, 1103, 2101, 2102, 2103, 2104, COMMON AREA "A", AND LIMITED COMMON AREAS "B", "C", "D", "E", "F", "G", AND "H" – DEC5-06-671</p> <p>RESOLUTION NO. 20518</p>	<p><u>DIR. OF DEVELOPMENT SERVICES</u></p>
<p>G. FINAL PLAT: (S06-095) KILBURN VIEW CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 1101, 1102, 1103, 2101, 2102, 2103, 2104, COMMON AREA "A", AND LIMITED COMMON AREAS "B", "C", "D", "E", "F", "G", AND "H" – DEC5-06-672</p>	<p><u>DIR. OF DEVELOPMENT SERVICES</u></p>
<p>H. ASSURANCE AGREEMENT: (S04-182) LIMBERLOST COMMONS SUBDIVISION (RCP) LOTS 1 TO 20 AND COMMON AREAS "A" AND "B" – DEC6-06-665</p> <p>RESOLUTION NO. 20519</p>	<p><u>DIR. OF DEVELOPMENT SERVICES</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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<p>I. FINAL PLAT: (S04-182) LIMBERLOST COMMONS SUBDIVISION (RCP) LOTS 1 TO 20 AND COMMON AREAS "A" AND "B" – DEC5-06-666</p>	<p><u>DIR. OF DEVELOPMENT SERVICES</u></p>
<p>J. INTERGOVERNMENTAL AGREEMENT: WITH THE REGIONAL TRANSPORTATION AUTHORITY OF PIMA COUNTY FOR IMPLEMENTATION OF APPROVED PROJECTS – DEC5-06-660</p> <p>RESOLUTION NO. 20523</p>	<p><u>DIR. OF TRANSPORTATION</u></p>
<p>K. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS LLC FOR A WIRELESS CELLULAR ANTENNA AT 4159 SOUTH ELIZABETH DRIVE – DEC5-06-654</p> <p>ORDINANCE NO. 10353</p>	<p><u>DIR. OF TRANSPORTATION</u></p>
<p>M. REAL PROPERTY: TERMINATION OF LEASE AGREEMENT WITH SAGUARO ARTISANS AND APPROVAL OF NEW LEASE WITH KONSTANTINA MAHLIA FOR PROPERTY LOCATED AT THE HISTORIC DEPOT – DEC5-06-674</p> <p>RESOLUTION NO. 20522 ORDINANCE NO. 10355</p>	<p><u>DIR. OF TRANSPORTATION</u></p>
<p>N. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE SUDANESE PROMISE FUND FOR THE RACE FOR THE SUDANESE PROMISE – DEC5-06-667</p> <p>RESOLUTION NO. 20520</p>	<p><u>DIR. OF BUDGET AND RESEARCH</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

P. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT:
WITH THE STATE OF ARIZONA FOR THE VALENCIA
RESERVE ANNEXATION DISTRICT – DEC5-06-677

RESOLUTION NO. 20526

DIR. OF URBAN PLANNING
AND DESIGN

Q. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT:
WITH US HOME – LENNAR FOR THE VALENCIA
RESERVE ANNEXATION DISTRICT – DEC5-06-678

RESOLUTION NO. 20528

The City Attorney read into the record the following technical corrections to the pre-annexation and development agreement (Exhibit A to Resolution 20528):

(The corrections are shown as underlined text for new language; ~~strike through~~ for deleted language):

Sec. 4.1 (middle of paragraph): U.S. Home, GMAC and their affiliates and successors shall be entitled to develop any annexed land pursuant to all terms and conditions of the Original City Zoning, even if City is able to annex only a portion or portions of the Subdivision.

Sec. 4.3 (first sentence): 4.3 Zoning Approvals. The City acknowledges that U.S. Home, GMAC and ~~GMAC~~their successors have a vested right to complete the construction of dwellings. . .

Sec. 4.6 (end of paragraph): . . .U.S. Home releases and assigns to City, but effective only upon the effective date of annexation, any right it may have had to any offsets against City impact fees as a result of work paid for or performed by U.S. Home along South Alvernon Way in connection with the Subdivision. Such assignment shall be solely as to any credits that would then be available to be applied against City impact fees.

DIR. OF URBAN PLANNING
AND DESIGN

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

Q. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT:
WITH US HOME – LENNAR FOR THE VALENCIA
RESERVE ANNEXATION DISTRICT – DEC5-06-678
(Continued from previous page)

RESOLUTION NO. 20528

Sec. 4.7 Assessment of Impact Fees. No impact fees shall be assessed for any dwellings and related improvements constructed or to be constructed under a valid, unexpired Pima County building permit.

Sec. 4.8 Roadway Improvements. Neither U.S. Home nor GMAC has ~~no~~any further obligations with respect to Alvernon Way or any other public roads near or adjacent to the Subdivision.

Sec. 5.4 (end of 1st paragraph): Successors shall without limitation be bound by the provisions hereof pertaining to execution of annexation petition and shall benefit from all provisions, including those pertaining to transaction privilege tax, construction sales tax, speculative builder tax, owner builder tax, or similar tax.

Sec. 5.14 Good Standing, Authority. The U.S. Home represents that it is duly formed and validly existing under the laws of ~~Arizona~~Delaware, that is duly qualified to do business in the State of Arizona and that the undersigned representative is authorized to bind U.S. Home to this Agreement.

R. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO
THE UNIVERSITY OF ARIZONA CULTURE RHYTHM
DANCE CREW – DEC5-06-679

RESOLUTION NO. 20524

DIR. OF BUDGET
AND RESEARCH

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

Council Member Leal MOVED and it was duly seconded that items on the Consent Agenda, except “L” which was continued and “O” which was considered separately, be approved and/or adopted and proper action taken.

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

L. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS LLC FOR A WIRELESS CELLULAR ANTENNA AT 35TH STREET AND PANTANO ROAD – DEC5-06-673

ORDINANCE NO. 10354

This item was continued to the Mayor and Council Meeting of December 12, 2006.

DIR. OF TRANSPORTATION

O. FINANCE: COMMUNITY SUPPORT FUND TRANSFER TO THE WORLD WAR II MEMORIAL COMMITTEE FOR THE MEMORIAL BUILDING FUND – DEC5-06-668

RESOLUTION NO. 20521

Council Member Trasoff MOVED and it was duly seconded to PASS and ADOPT Resolution No. 20521.

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

DIR. OF BUDGET
AND RESEARCH

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

8. PUBLIC HEARING: ZONING (C9-06-25) THE POST – CONGRESS STREET, C-1 AND C-2 TO OCR-2, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION – DEC5-06-676

ORDINANCE NO. 10356

Council Member Trasoff MOVED and it was duly seconded to close the Public Hearing.

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

Council Member Trasoff MOVED and it was duly seconded to PASS and ADOPT Ordinance No. 10356.

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

DIR. OF DEVELOPMENT SERVICES

9. ZONING: (C9-00-36) LEWIS FAMILY LLC – IRVINGTON ROAD, R-1 AND R-2 TO C-2, REACTIVATION AND TIME EXTENSION (CONTINUED FROM THE MEETING OF SEPTEMBER 6, 2006) – DEC5-06-661

Council Member Leal MOVED and it was duly seconded to approve the request as presented.

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

DIR. OF DEVELOPMENT SERVICES

10. ZONING: (C9-06-24) ALTA VISTA COMMUNITIES – KOLB ROAD, O-3 TO OCR-1, CITY MANAGER’S REPORT – DEC5-06-662

Vice-Mayor West MOVED and it was duly seconded to authorize the request for rezoning as recommended by the Zoning Examiner.

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

DIR. OF DEVELOPMENT SERVICES

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

11. ANNEXATION: ANNEXATION OF CORAZON DEL PUEBLO
RIGHT-OF-WAY, ORDINANCE ADOPTION – DEC5-06-675

ORDINANCE NO. 10351

Council Member Leal MOVED and it was duly seconded to PASS and
ADOPT Ordinance No. 10351.

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

DIR. OF URBAN PLANNING
AND DESIGN

12. APPOINTMENTS TO BOARDS, COMMITTEES AND
COMMISSIONS – DEC5-06-658

Council Member Trasoff MOVED and it was duly seconded to re-
appoint Mark Clark and Donald Jorgensen to the Pima County/City of
Tucson Commission on Addiction, Prevention and Treatment and
appoint Adam B. Smith to the Citizens' Water Advisory Committee.

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

CITY CLERK

13. ADJOURNMENT: 6:26 p.m.

The next regularly scheduled meeting of the Mayor and Council will be
held on Tuesday, December 12, 2006, at 5:30 p.m. in the Mayor and
Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.