

MAYOR AND COUNCIL - REGULAR MEETING

ADMINISTRATIVE ACTION REPORT AND SUMMARY

FEBRUARY 28, 2006

FROM: CITY MANAGER



1. ROLL CALL: 5:43 p.m.

COUNCIL MEMBERS PRESENT: Mayor Robert E. Walkup, Vice-Mayor Steve Leal, Council Members Jose J. Ibarra, Carol West, Karin Uhlich, Shirley Scott, and Nina J. Trasoff, Kathleen S. Detrick, City Clerk

The City Clerk announced that Susie Rogers is in attendance to provide Spanish translation assistance for anyone who needs it.

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 Pastor Scott Richards, Calvery Fellowship.

PLEDGE OF ALLEGIANCE - Flowing Wells High School JROTC presented the flags of the United States of America, State of Arizona, and City of Tucson after which Cadet Captain Murrick led the Mayor, Council and audience in the Pledge of Allegiance.

PRESENTATIONS

- a. Presentation to four outstanding teachers from Pima County who received the Rodel Exemplary Teacher Initiative Award
- b. Presentation to the Sun Tran "Distinguished Employee Team of 2005"
- c. Presentation to the Rotary Club of Tucson for its commitment to the Rotary Reading Seed Center

AGENDA ITEM/MAYOR AND COUNCIL ACTION

STAFF ACTION

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS – FEB28-06-86

Council Member Scott thanked the attendees to the educational Regional Transportation Authority plan Town Hall she hosted along with Ray Carroll from the Board of Supervisors. At this Town

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT
EVENTS – FEB28-06-86 (cont'd from previous page)

Hall two panelists spoke on the Pro side and two spoke on the Con side. County Manager Chuck Huckelberry was also present to answer questions about 97 bond projects and how they are related.

Vice-Mayor Leal expressed relief and thanks that the Mayor and Mrs. Walkup were not seriously injured during the runaway horse incident at the Fiesta de Los Vaqueros parade.

Council Member West announced that the 30th Anniversary Pima Tucson Women's Commission luncheon is to be held on Wednesday March 8th at the Manning House. For tickets call 624-8318.

Council Member West announced that she is hosting a tour of the Bonanza and Speedway Archeological site on Friday March 3 at 12:30 and 2pm. Carpooling will be necessary. For more information call the Ward II office at 791-4687.

Council Member West announced that on Saturday March 4th Ward II is leading a water quality tour. They will be visiting the Sweetwater Wetlands and the Hayden-Udall Treatment Plant and learning about the water quality lab. The tour leaves Eastside City Hall at 8:00 AM and lasts until 1:00 PM. If interested, please reserve a seat by calling Tina Lee at 791-4687.

Council Member Trasoff expressed her thankfulness that the Mayor and Mrs. Walkup are safe and commended the driver of the wagon.

Council Member Trasoff thanked all the attendees at the Ward VI open house. She also announced that the art exhibit showcasing local artists is still on display and invites the public to stop by to see it. Ward VI is open from 9:00 AM – 5:00 PM Monday through Friday.

Mayor Walkup thanked the Council for their comments. He also thanked the driver of the wagon for doing exactly what he was supposed to do; his disciplined actions saved lives.

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS – FEB28-06-86 (cont'd from previous page)

Mayor Walkup mentioned what a successful month it has been in Tucson, with the Rodeo, Gem & Mineral show, upcoming Spring Training events. He also spoke about the recent announcement that the World Match Play Golf Championship is moving to Tucson next year and what a great benefit this be to the community.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS FEB28-06-87

No reports at this time.

5. LIQUOR LICENSE APPLICATIONS – FEB28-06-85

BELUSHE'S BAR & GRILL, CITY # 02-06
SAIGON CAFÉ RESTAURANT, CITY # 05-06
PIZZAZZ! PIZZA BISTRO, CITY # 06-06
BELUSHE'S BAR & GRILL, CITY # 03-06
COMFORT SUITES OF TUCSON, CITY # 04-06
STOGIE AND VINE, CITY # 01-06
SOUTHERN ARIZONA HOMEBUILDERS ASSOCIATION,
CITY # T119-05
KOKOPELLI WINERY, CITY # T122-05
KOKOPELLI WINERY, CITY # T123-05
ST. PATRICK'S DAY PARADE OF TUCSON, CITY # T04-06

Council Member Ibarra MOVED and it was duly seconded to direct staff to forward these applications to the State Liquor Board with recommendations for approval.

Motion PASSED by a vote of 7 to 0.

BIRRIERIA EL OSO, CITY # 08-06

Vice-Mayor Leal MOVED and it was duly seconded to direct staff to forward this application to the State Liquor Board with a recommendation for denial.

Motion PASSED by a vote of 7 to 0.

CITY CLERK

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

<p>6. <u>C O N S E N T A G E N D A</u></p> <p>B. TUCSON CODE: AMENDING (CHAPTER 7) RELATING TO THE REGULATION OF MASSAGE ESTABLISHMENTS – FEB28-06-92</p> <p>ORDINANCE NO. 10251</p>	<p><u>DIR. OF FINANCE</u></p>
<p>C. ASSURANCE AGREEMENT: (S04-179) EMPIRE HEIGHTS SUBDIVISION, LOTS 1 TO 241 AND COMMON AREAS “A” AND “B” – FEB28-06-95</p> <p>RESOLUTION NO. 20287</p>	<p><u>DIR. OF DEVELOPMENT SERVICES</u></p>
<p>D. FINAL PLAT: (S04-179) EMPIRE HEIGHTS SUBDIVISION, LOTS 1 TO 241, AND COMMON AREAS “A” AND “B” – FEB28-06-83</p>	<p><u>DIR. OF DEVELOPMENT SERVICES</u></p>
<p>E. INTERGOVERNMENTAL AGREEMENT: WITH ARIZONA STATE PARKS FOR THE ARIZONA SITE STEWARD PROGRAM – FEB28-06-93</p> <p>RESOLUTION NO. 20288</p>	<p><u>DIR. OF URBAN PLANNING & DESIGN</u></p>
<p>F. CITY VEHICLES: ANNUAL APPROVAL OF EXEMPTION OF CERTAIN CITY VEHICLES FROM IDENTIFICATION MARKINGS – FEB28-06-81</p> <p>RESOLUTION NO. 20289</p>	<p><u>CITY CLERK</u></p>
<p>G. ASSURANCE AGREEMENT: (S05-003) CIVANO NORTH RIDGE SUBDIVISION, LOTS 1 TO 32, 34 TO 79 AND COMMON AREAS “A”, “B”, AND “C” – FEB28-06-97</p> <p>RESOLUTION NO. 20290</p>	<p><u>DIR. OF DEVELOPMENT SERVICES</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

<p>H. FINAL PLAT: (S05-003) CIVANO NORTH RIDGE SUBDIVISION, LOTS 1 TO 32, 34 TO 79 AND COMMON AREAS "A", "B", AND "C" – FEB28-06-90</p>	<p><u>DIR. OF DEVELOPMENT SERVICES</u></p>
<p>I. ASSURANCE AGREEMENT: (S04-120) DESERT SHADOWS SUBDIVISION, LOTS 1 TO 12 AND COMMON AREA "A" – FEB28-06-96</p> <p>RESOLUTION NO. 20291</p>	<p><u>DIR. OF DEVELOPMENT SERVICES</u></p>
<p>J. FINAL PLAT: (S04-120) DESERT SHADOWS SUBDIVISION, LOTS 1 TO 12 AND COMMON AREA "A" – FEB28-06-84</p>	<p><u>DIR. OF DEVELOPMENT SERVICES</u></p>
<p>K. WATER: AGREEMENT WITH B.K.W. FARMS, INC., FOR GROUNDWATER SAVINGS PROJECTS – FEB28-06-99</p> <p>RESOLUTION NO. 20292</p>	<p><u>DIR. OF UTILITY SERVICES</u></p>
<p>L. APPROVAL OF MINUTES – FEB28-06-91</p>	<p><u>CITY CLERK</u></p>
<p>M. ENVIRONMENTAL SERVICES: LOW INCOME ASSISTANCE PROGRAM FOR RESIDENTIAL ENVIRONMENTAL SERVICE FEES – FEB28-06-104</p> <p>RESOLUTION NO. 20295</p> <p>The City Clerk read into the record a revision to item M. On Attachment A to Resolution No. 20295, Section 2.1.1, Item 1, the third line previously said "Program Eligibility levels will be adjusted in July of each year to reflect the changes in federal levels." This line has been amended to read "Program Eligibility levels will be adjusted each year to reflect the changes in federal levels."</p>	<p><u>DIR. OF UTILITY SERVICES</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

N. EMPLOYEES' COMBINED APPEAL PLAN: ADOPTION OF
POLICY PROHIBITING DISTRIBUTION OF EMPLOYEE
DONATIONS TO ORGANIZATIONS THAT DISCRIMINATE
– FEB28-06-102

RESOLUTION NO. 20293

The City Clerk announced that item N is being continued.

Vice-Mayor Leal requested to remove item A and consider it
separately.

Council Member West MOVED and it was duly seconded that items
on the Consent Agenda (Except "A" and "N") and M as amended,
be approved and/or adopted and proper action taken.

Motion PASSED by a vote of 7 to 0.

A. INTERGOVERNMENTAL AGREEMENT: WITH TUCSON
UNIFIED SCHOOL DISTRICT FOR THE JOINT-USE OF
RECREATIONAL FACILITIES AT MILES EXPLORATORY
LEARNING CENTER – FEB28-06-82

RESOLUTION NO. 20286

Vice-Mayor Leal MOVED and it was duly seconded to pass and
adopt Resolution No. 20286.

Motion PASSED by a vote of 7 to 0.

DIR. OF PARKS AND
RECREATION

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

7. CALL TO THE AUDIENCE

* Nikia Fico requested that the City Council place the issue of having the Reid Park Zoo transfer their elephants to the Refuge in Tennessee on a Mayor and Council Agenda. She displayed a petition of 4,000 signatures supporting her request. She also displayed an offer from the Refuge indicating they would accept and move the elephants for free. She cited a copy of a letter from David Hancocks, former director of the Arizona Sonoran Desert Museum that explains why Elephants are not suited for small enclosures and why the expansion project is not feasible.

Mike Carter, the director of Tucson Zoological Society, spoke in support of keeping the elephants, detailed the large membership of the Society and offered to help in funding strategies.

Marguerite Bryan spoke in support of relocating the elephants to the sanctuary in Tennessee. She said that keeping elephants in a small enclosure is not best for the elephants.

Colleen Whealdon-Haught requested that the Mayor and Council send the elephants to the sanctuary and expressed that if the goal of keeping the elephants is to educate people, and if these people do not understand the physical needs of programs then they are not meeting their goals. She feels this is the most humane and least cost option is to send them to the sanctuary.

Marge Abens requested that the Mayor and Council consider the feeling of elephants enclosed in a small pen when they could be free on 2300 acres.

Colleen Dugan requested that the Mayor and Council schedule this for their agenda. She feels that taxpayers do not want their dollars used on the Zoo expansion project. She read excerpts from the letter from David Hancocks, former director of the Arizona Sonoran Desert Museum which stated that taking care of elephants is beyond the abilities of the zoo.

* **REVISION**

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

7. CALL TO THE AUDIENCE (cont'd from previous page)

Maria Nasif expressed her belief that the well being of the elephants is what is important and that they should be sent to the sanctuary in Tennessee. She does not feel it is justified to retain the elephants in a 3 acre habitat when they could be in 2700 acres. She stated that the elephants are not pair bonded and that Connie has displayed aggression towards Shaba and the handlers. She feels the trend for zoos to send their elephants to sanctuaries shows the difficulty zoos have in keeping healthy elephants.

Sioux Komoroski agrees with the request to send the elephants to the sanctuary in Tennessee so they can live out the remainder of their life normally.

Jim Scorzafave supports sending the elephants to the sanctuary.

Janine Curtis supports the request to send the elephants to the sanctuary in Tennessee and believes that once the public presented with the arguments for sending them, they have overwhelmingly agreed to support the request.

Kristen Drumm supports sending the elephants to the sanctuary in Tennessee and feels that the large number of letters to the Arizona Daily Star and Tucson Weekly also indicates that the public supports this as well.

Tom Abens supports sending the elephants to the sanctuary and does not support his tax dollars going to help expand the zoo.

Michael Toney spoke regarding Proposition 400 and the University of Arizona Science Center, and does not feel that funds should go to this project when it was not included in the proposition and should be spent historical and cultural projects.

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

8. PUBLIC HEARING: ZONING (C9-75-04) DECONCINI – SPEEDWAY BOULEVARD, C-1 ZONING, ORDINANCE ADOPTION, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN – FEB28-06-98

ORDINANCE NO. 10253

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

Motion PASSED by a vote of 7 to 0.

Council Member West MOVED and it was duly seconded to Pass and Adopt Ordinance No. 10253.

Motion PASSED by a vote of 7 to 0.

DIR. OF DEVELOPMENT SERVICES

9. PUBLIC HEARING: ZONING (C9-00-23) RITA 244 LLC – RITA ROAD, RX-1, I-1 AND I-2 TO C-2 AND I-1, REQUEST FOR TIME EXTENSION, ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF JANUARY 18, 2006) – FEB28-06-100

ORDINANCE NO. 10255

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

Motion PASSED by a vote of 7 to 0.

Council Member Scott MOVED and it was duly seconded to Pass and Adopt Ordinance No. 10255.

Motion PASSED by a vote of 7 to 0.

DIR. OF DEVELOPMENT SERVICES

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

10. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23), THE LAND USE CODE; REGARDING PAYDAY LENDING AND OTHER SIMILAR FACILITIES – FEB28-06-94

ORDINANCE NO. 10252

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

Motion PASSED by a vote of 7 to 0.

Council Member Uhlich MOVED and it was duly seconded to Pass and Adopt Ordinance No. 10252.

Motion PASSED by a vote of 7 to 0.

DIR. OF URBAN
PLANNING & DESIGN

11. TUCSON CODE: AMENDING (CHAPTER 23A) RELATING TO IMPLEMENTATION AND COLLECTION DATE FOR NONRESIDENTIAL DEVELOPMENT IMPACT FEES – FEB28-06-103

ORDINANCE NO. 10256

Council Member Trasoff MOVED and it was duly seconded that either option of the Ordinance is to be amended, if adopted, to renumber the existing f to f1, and add f2 language that reads:

2) Subsection 23A-86(2)(b) shall not apply to a Tenant Improvement permit where the square footage to be constructed is based upon a new or amended development plan that was accepted for submittal by DSD prior to April 1, 2006, approved by October 1, 2006, and which is not expired as provided in LUC Sec. 5.3.8.2; and where the permit for the shell building is obtained before January 16, 2008 and the Tenant Improvement permit is obtained within twelve (12) months of the permit for the shell building.

Council Member West MOVED and it was duly seconded to offer a substitute motion to continue this item for one week. Motion FAILED by a vote of 5 to 2 (Council Members West and Scott dissenting).

CITY ATTORNEY

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

11. TUCSON CODE: AMENDING (CHAPTER 23A) RELATING TO IMPLEMENTATION AND COLLECTION DATE FOR NONRESIDENTIAL DEVELOPMENT IMPACT FEES – FEB28-06-103 (cont'd from previous page)

Original Motion PASSED by a vote of 5 to 2 (Council Members Ibarra and West dissenting).

Council Member Trasoff MOVED and it was duly seconded to Pass and Adopt Ordinance No. 10256, with the amendment, using the Building Permit Option:

Building Permit Option: This option provides for payment of impact fees at the time of issuance of a building permit, which is when residential impact fees are paid. This is the option preferred by staff from an administrative standpoint.

Imposition of impact fees for nonresidential development will begin on July 15, 2006 at a rate of 50% of the total fee, with the full fee going into effect January 16, 2008.

Motion PASSED by a vote of 7 to 0.

12. TUCSON CODE: AMENDING (CHAPTER 7), RELATING TO THE REGULATION OF SCRAP METAL AND SECONDHAND DEALERS – FEB28-06-101

ORDINANCE NO. 10254

Vice-Mayor Leal MOVED and it was duly seconded to Pass and Adopt Ordinance No. 10254, deleting Section 9 and renumbering Section 10 to be Section 9.

Motion PASSED by a vote of 7 to 0.

CITY ATTORNEY

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS (CITY-WIDE) – FEB28-06-88

CITY CLERK

Council Member Scott MOVED and it was duly seconded to re-appoint Thomas A. Heaney (Branch 77 of the Fleet Reserve Association), J.L. “Pepe” Mendoza (Department of Veterans Affairs, So. AZ VA Health Care System) and Herbert Rogers (Spanish Trail Chapter NCOA) to the Veterans’ Affairs Committee; and re-appoint A. Michael Hutchins, Ph.D to the Tucson Commission on Gay, Lesbian, Bisexual and Transgender Issues (GLBT); and appoint Neil Hejny to the Technology Policy Advisory Committee.

Motion PASSED by a vote of 7 to 0.

Council Member Trasoff announced her personal appointments of Michael C. Elsner to the Citizen Police Advisory Board; Marty Higbee and Ray Cusack to the Tucson Rodeo Grounds/Parade Citizens’ Oversight Committee; Jeff Stanley to the Stormwater Advisory Committee; Cindy Jordan to the GLBT Commission; Elizabeth Przygoda to the Planning Commission; re-appointment of Joseph Maher, Jr. to the Citizens Transportation Advisory Committee; and Jeff DeGregorio, Gayle Hartmann, John Richards to the Rio Nuevo Citizen’s Advisory Committee.

Council Member Scott announced her personal appointment of Margie Howell to the Community Development Advisory Committee.

Council Member Uhlich announced her personal appointments of John Fleming, to the Bicycle Advisory Committee; Debra Brown as the Youth appointment for Ward III to the Community Development Advisory Committee; Josephine King to the Women’s’ Commission; re-appointment of Michael Crawford to the Tucson Convention Center Advisory Committee; appointment of James Edward Ayers to the Sign Code Commission, and Lauren Clark to the Board of Adjustment.

14. ADJOURNMENT: 8:33 p.m.

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, March 7, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.