

# MAYOR AND COUNCIL - REGULAR MEETING

## ADMINISTRATIVE ACTION REPORT AND SUMMARY

OCTOBER 13, 2003

FROM: CITY MANAGER



1. ROLL CALL: 7:37 p.m.

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

STAFF MEMBERS: James Keene, City Manager  
Michael House, City Attorney

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Kathleen Detrick, City Clerk, after which the Pledge of Allegiance was presented by the entire assembly.

At this time, Mayor Walkup welcomed students from Kazakhstan.

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS – OCT13-03-541	
a. Council Member Dunbar announced fundraising activities for the new Ward 3 dog park will kick off at the SAHBA Homeshow this weekend. Various items will be available including commemorative trees, bricks for a wall of fame.	
b. Council Member West reported on the success of Ward 2's tour of Rio Nuevo. The 30 placed on the waiting list have now signed up for the 11/22/03 tour (which is now full). Also, on 10/15/03, Ward 2 will be the host of Access Tucson's (Channel 74) "Call City Hall"; guests will be Captains John Leavitt and Rich Harper.	
c. Council Member Ronstadt announced that this Saturday (October 18) Wards 3 and 6 will have a joint neighborhood clean-up in the North University Neighborhood Area, from 8:00 a.m. to noon.	

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS  
OCT13-03-542

City Manager, James Keene, announced:

- a. Thursday, October 16, 2003 is "Tucson in Motion Day" with a full-day of activities that highlight the benefits of transit in communities.
- b. Stone Avenue Temple, built in 1910, is the first synagogue built in our community. A group of individuals restored it. On October 2, the National Trust for Historic Preservation recognized it with the prestigious National Preservation Honor Award, one of 21 awarded.
- c. The Women's Studies Advisory Council will honor Assistant City Manager Liz Miller with the 7<sup>th</sup> Annual Women Who Lead Award at a reception, tomorrow evening at the Arizona Inn.

5. CALL TO THE AUDIENCE

- a. Claude Haynes urged the Mayor and Council to reduce vendor fees for non-profit events.
- b. Bob Cook addressed the Mayor and Council regarding the report on Phase I of the Cost of Service Study and stressed the need to determine the true "cost of growth" and not limit the scope to the "cost of service".
- c. Bill Katzel addressed the Mayor and Council and outlined a plan to produce a "Procedural Deception Manual".
- d. Elezabeth Cameron addressed the Mayor and Council noting a concern with the time lag in bringing forward the decrease in dog license fees for unaltered dogs.
- e. Robert Reus complained to the Mayor and Council regarding the 3-minute time limit when the written instructions say 5 minutes shall be allowed.

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

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

A. CITY COURT: AUTHORIZING CITY MAGISTRATES TO HEAR AND RESOLVE CIVIL CITATIONS ISSUED TO JUVENILES FOR VIOLATION OF TUCSON CODE PROVISIONS – OCT13-03-537

RESOLUTION NO. 19694

CITY COURT

B. INDUSTRIAL DEVELOPMENT AUTHORITY: REAPPOINTING CHRISTOPHER CARROLL AND APPOINTING MARY LOU MOBRAWY TO THE BOARD OF DIRECTORS – OCT13-03-538

RESOLUTION NO. 19695

ECON. DEVELOPMENT

C. REAL PROPERTY: ACQUISITION OF EASEMENT AND TEMPORARY REMOVAL OF RAIL SERVICE AT 3430 EAST 36<sup>TH</sup> STREET – OCT13-03-543

RESOLUTION NO. 19697

CITY MANAGER

D. AGREEMENT: WITH AMERICAN SHOWS INC. FOR THE USE OF THE TUCSON CONVENTION CENTER FACILITIES – OCT13-03-534

RESOLUTION NO. 19699

DIR. OF TUCSON  
CONVENTION  
CENTER

E. FINANCE: CONTINGENCY FUND TRANSFER FOR THE POSITIVE AGING WOMEN CONFERENCE – OCT13-03-549

RESOLUTION NO. 19700

DIR. OF BUDGET  
AND RESEARCH

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

Council Member Ibarra MOVED, SECONDED by Council Member West that items on the Consent Agenda be approved and/or adopted and proper action taken.

Motion PASSED by a vote of 7 to 0.

7. LIQUOR LICENSE APPLICATIONS – OCT13-03-535

MISS SAIGON RESTAURANT, CITY# 068-03  
SACRED HEART CHURCH, CITY # T087-03  
JUNIOR LEAGUE OF TUCSON, INC., CITY # T088-03  
TUCSON SYMPHONY SOCIETY, CITY # T089-03  
ST. AMBROSE CATHOLIC SCHOOL, CITY # T091-03  
TETRA CORPORATION/BEACON FOUNDATION, CITY # T098-03

Council Member West MOVED, SECONDED by Council Member Dunbar that staff be directed to forward these applications to the State Liquor Board with recommendations for approval.

Motion PASSED by a vote of 7 to 0.

LOS SAENZ MEXICAN RESTAURANT, CITY # 066-03

Council Member Dunbar MOVED, SECONDED by Council Member West 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.

FIRE FLY FOOD & SPIRITS, CITY # 067-03

Council Member Ronstadt MOVED, SECONDED by Council Member Dunbar 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

8. RIO NUEVO: WEST CONGRESS RESIDENTIAL DEVELOPMENT  
ACCEPTANCE OF OFFER TO PURCHASE – OCT13-03-546

ORDINANCE NO. 9907

Council Member Ibarra MOVED, SECONDED by Council Member Ronstadt to pass and adopt Ordinance No. 9907 and direct staff to begin the appropriate and timely review process to facilitate development consistent with the proposal tended by the Rio Development Company, LLC.

Motion PASSED by a vote of 7 to 0.

RIO NUEVO

9. LEASE AGREEMENT: WITH THE “ARIZONA HEAT” FOR USE OF  
HI CORBETT STADIUM – OCT13-03-545

RESOLUTION NO. 19698

Vice-Mayor Scott MOVED, SECONDED by Council Member Leal to pass and adopt Resolution No. 19698.

Motion PASSED by a vote of 7 to 0.

DIR. OF PARKS  
AND RECREATION

10. LICENSE AGREEMENT: AMENDMENT TO AGREEMENT WITH  
SFPP, L.P. dba KINDER MORGAN – OCT13-03-547

Council Member Ibarra MOVED, SECONDED by Council Member Leal to reconsider the vote taken regarding the License Agreement: Amendment to agreement with SFPP, L.P. dba Kinder Morgan on September 22, 2003.

Motion FAILED by a vote of 3 to 4 (Mayor Walkup, Council Members West, Dunbar and Ronstadt dissenting).

CITY ATTORNEY

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

RECESS: 9:28 P.M.  
RECONVENE: 9:40 P.M.  
MAYOR AND COUNCIL: ALL PRESENT  
STAFF: ALL PRESENT

11. PUBLIC HEARING: ZONING (C9-81-45) HIRAM BANKS – SAN MARCOS BOULEVARD, MH-1 ZONING, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION – OCT13-03-539

ORDINANCE NO. 9905

Director of Development Services, Ernie Duarte, read the following condition in the record:

“the developer shall include a statement on the location of the El Paso Natural Gas Pipeline in or along with the public report provided to prospective purchasers in accordance with A.R.S. Section 32-21.83”.

Council Member Ibarra MOVED, SECONDED by Council Member West to continue the Public Hearing to the meeting of November 10, 2003 to allow the developer to hold a public hearing with the neighbors.

Motion PASSED by a vote of 7 to 0.

DIR. OF DEV.  
SERVICES  
AGENDA COMMITTEE

12. PUBLIC HEARING: TUMAMOC AREA PLAN AMENDMENT, MOUSSA – SUBAREA 17 – OCT13-03-540

RESOLUTION NO. 19696

Council Member Ibarra MOVED, SECONDED by Council Member West to close the public hearing.

Motion PASSED by a vote of 7 to 0.

Council Member Ibarra MOVED, SECONDED by Council Member West to pass and adopt Resolution No. 19696.

Motion PASSED by a vote of 7 to 0.

DIR. OF DEV.  
SERVICES

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

13. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23) THE *LAND USE CODE* (LUC) RELATING TO PARKING REQUIREMENTS FOR LARGE DWELLINGS AND SECOND DWELLINGS IN THE R-1 ZONE – OCT13-03-544

COMP. PLANNING  
TASK FORCE

ORDINANCE NO. 9906

Council Member Dunbar MOVED, SECONDED by Council Member Ibarra to close the public hearing.

Motion PASSED by a vote of 7 to 0.

Council Member Dunbar MOVED, SECONDED by Vice-Mayor Scott to pass and adopt Ordinance No. 9906 with the following two amendments:

1. Residential Use Group Section 3.5.7.1 under Family Dwelling: The last sentence in the section would be revised to read, “The use area must be improved, which includes surface striping and provisional barriers in conformance with development standard 3-05.0. Parking spaces may not be located in a vehicular use area in any front street perimeter yard.”
2. Section 6.2.2 definitions, under Bedrooms #2 the definition revised to read as follows: “any enclosed room which has a minimum area of 60 square feet and has an accessible opening to exterior of the building in compliance with the international building code whether termed a studio, family room, study, den, bonus room or any other name except living room, dining room, kitchen and bathroom.

Motion PASSED by a vote of 7 to 0.

14. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES – OCT13-03-536

CITY CLERK

No appointments.

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

15. MAYOR AND COUNCIL: AMENDMENT TO RULES AND REGULATIONS – OCT13-03-548

RESOLUTION NO. 19701

Council Member Ibarra MOVED, SECONDED by Council Member Leal to continue this item for one week and schedule it as both a Study Session discussion and for final action on the Regular Agenda.

Council Member Ronstadt MOVED, SECONDED by Council Member Dunbar to substitute the motion to pass and adopt Resolution No. 19701 with Option B.

Substitute motion PASSED by a vote of 4 to 3 (Vice-Mayor Scott, Council Members Ibarra and Leal dissenting).

On a second roll call vote for the sole and separate purpose of amending the resolution to include the emergency, the vote FAILED by a vote of 4 to 3 (Vice-Mayor Scott, Council Members Ibarra and Leal dissenting).

CITY CLERK

16. CALL TO THE AUDIENCE

- a. Bill Katzel addressed the Mayor and Council regarding reconsideration criteria for the Kolb-Kivel rezoning case.
- b. Robert Reus addressed the Mayor and Council and promoted his cable show on Wednesdays at 7:30.

17. ADJOURNMENT: 10:35 p.m.

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, October 20, 2003 at 2:00 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.