

MAYOR AND COUNCIL ADMINISTRATIVE ACTION REPORT AND SUMMARY

MAYOR AND COUNCIL - REGULAR MEETING
FEBRUARY 14, 2000

FROM: CITY MANAGER _____

1. ROLL CALL: 7:46 P.M.

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

STAFF MEMBERS: Luis G. Gutierrez, City Manager
Thomas J. Berning, City Attorney

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Sharon Ragland, First Church United Methodist, after which the Pledge of Allegiance was presented by the entire assembly.

Mayor Walkup presented a proclamation to Chief Fred Shipman.

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>3. <u>C O N S E N T A G E N D A</u></p> <p>*****ITEMS "G" AND "J" WERE DELETED FROM THE CONSENT AGENDA *****</p> <p>A. CITY VEHICLES: ANNUAL RENEWAL – EXEMPTION OF CERTAIN CITY VEHICLES FROM IDENTIFICATION MARKINGS – FEB14-00-88</p> <p>RESOLUTION NO. 18500</p>	<p><u>CITY CLERK</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

B.	INTERGOVERNMENTAL AGREEMENT: WITH THE STATE OF ARIZONA DEPARTMENT OF ADMINISTRATION TO PROVIDE COMPRESSED NATURAL GAS FUEL – FEB14-00-89 RESOLUTION NO. 18501	<u>DIR. OF OPERATIONS</u>
C.	INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR A HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM GRANT AGREEMENT – FEB14-00-90 RESOLUTION NO. 18502	<u>POLICE CHIEF</u>
D.	AGREEMENT: WITH THE UNITED STATES CUSTOMS SERVICE FOR REIMBURSEMENT OF OVERTIME EXPENSES RELATED TO PARTICIPATION IN THE SMUGGLING/FINANCIAL GROUP TASK FORCE – FEB14- 00-91 RESOLUTION NO. 18503	<u>POLICE CHIEF</u>
E.	ASSURANCE AGREEMENT: SONORAN VILLAGE, LOTS 1 THROUGH 13 AND COMMON AREA “A” (S99-032) – FEB14-00-92 RESOLUTION NO. 18504	<u>DIR. OF TRANS</u>
F.	APPROVAL OF MINUTES: September 20, 1999 November 22, 1999	<u>CITY CLERK</u>
H.	TRANSPORTATION: FEDERAL TRANSIT ADMINISTRATION CAPITAL GRANT APPLICATION FOR FISCAL YEAR 1999/2000 – FEB14-00-98 RESOLUTION NO. 18508	<u>DIR. OF TRANS</u>
I.	CONTRACT: WITH THE UNIVERSITY OF ARIZONA TO INTEGRATE AND IMPLEMENT COPLINK CONCEPT SPACE – FEB14-00-87	<u>POLICE CHIEF</u>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

RESOLUTION NO. 18509	
<p>K. INDUSTRIAL DEVELOPMENT AUTHORITY: AUTHORIZING THE TUCSON INDUSTRIAL DEVELOPMENT AUTHORITY TO ISSUE SENIOR LIVING FACILITIES REVENUE BONDS FOR THE CHRISTIAN CARE TUCSON, INC. VILLA SERENAS APARTMENTS PROJECT – FEB14-00-104</p> <p>RESOLUTION NO. 18511</p>	<p><u>DIR. OF ECON. DEVELOPMENT</u></p>
<p>L. FINANCE: CONTINGENCY FUND TRANSFER TO THE TUCSON CONQUISTADORES FOR THE ANNUAL PROFESSIONAL GOLF ASSOCIATION TOURNAMENT – FEB14-00-105</p> <p>RESOLUTION NO. 18512</p>	<p><u>DIR. OF BUDGET AND RESEARCH</u></p>
<p>M. LIQUOR LICENSES – FEB14-00-97</p> <p>City No. T002-00 City No. EP05-00 City No. T003-00 City No. EP06-00 City No. T005-00 City No. 151-99 City No. T009-00 City No. 150-00</p>	<p><u>CITY CLERK</u></p>
<p>N. INTERGOVERNMENTAL AGREEMENTS: WITH THE TOWN OF MARANA, THE CORTARO-MARANA IRRIGATION DISTRICT AND THE AVRA VALLEY IRRIGATION AND DRAINAGE DISTRICT REGARDING A MANAGED RECHARGE PROJECT USING EFFLUENT – FEB14-00-106</p> <p>RESOLUTION NO. 18513 RESOLUTION NO. 18514 RESOLUTION NO. 18515</p>	<p><u>DIR. OF WATER</u></p>
<p>Council Member West MOVED, SECONDED by Council Member Scott that items on the Consent Agenda (Except “G” and “J”) be approved and/or adopted and proper action taken. The recommendation for “M-(9)” should be changed to approval.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	
<p>G. FINAL PLAT: (S99-032) SONORAN VILLAGE, LOTS 1 THROUGH 13 AND COMMON AREA “A” – FEB14-00-99</p> <p>Council Member Ronstad MOVED, SECONDED by Council</p>	<p><u>DIR. OF DEV. SERVICES</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

<p>Member Scott that the final plat be approved as presented with a note added prior to recordation, that the developer be required to add a 1-foot no access easement along the western property lines of lots 13, 1 and 2.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	
<p>J. DOWNTOWN SATURDAY NIGHT: APPROVAL OF LICENSE AGREEMENT FOR USE OF THE RONSTADT TRANSIT CENTER AND AMENDMENT TO FINANCIAL PARTICIPATION AGREEMENT WITH THE TUCSON ARTS DISTRICT PARTNERSHIP, INC. – FEB14-00-102</p> <p>RESOLUTION NO. 18510</p> <p>Council Member West MOVED, SECONDED by Council Member Ronstadt that Mayor and Council pass and adopt Resolution No. 18510.</p> <p>Council Member Anderson offered a friendly amendment to bring this discussion back in six months for review in terms of the overall picture.</p> <p>Amendment acceptable to the maker.</p> <p>Motion, as amended, <u>PASSED</u> by a vote of 7 to 0.</p>	<p><u>CITY MANAGER</u></p>
<p>4. FINANCIAL PARTICIPATION AGREEMENT: WITH PROJECT Y.E.S. FOR THE EXPLORING OUR FUTURE PROGRAM – FEB14-00-95</p> <p>RESOLUTION NO. 18506</p> <p>Council Member Anderson MOVED, SECONDED by Vice-Mayor Leal that Mayor and Council pass and adopt Resolution No. 18506.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	<p><u>DIR. OF BUDGET AND RESEARCH</u></p>
<p>5. PUBLIC IMPROVEMENT: PANTANO WASH, NORTH OF BROADWAY BOULEVARD DISTRICT BANK PROTECTION IMPROVEMENT – FEB14-00-93</p> <p>Council Member Scott MOVED, SECONDED by Council Member</p>	<p><u>DIR. OF TRANS</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

<p>Anderson to award the contract to the Ashton Company.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	
<p>6. SPECIAL EXCEPTION LAND USE PUBLIC HEARING: APPEAL OF THE ZONING EXAMINER'S DECISION, U.S. WIRELESS COMMUNICATIONS – 1112 E. SIXTH STREET, C-1 ZONE (SE-99-37) – FEB14-00-96</p> <p>Council Member West MOVED, SECONDED by Council Member Anderson that Mayor and Council close the public hearing.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p> <p>Council Member Ronstadt MOVED, SECONDED by Council Member Scott to affirm the decision of the Zoning Examiner.</p> <p>Council Member Anderson MOVED, SECONDED by Council Member Ibarra to substitute the motion to reverse the Zoning Examiner's decision based on errors in the Zoning Examiner's report and the fact that the request does not meet the requirements of the Land Use Code.</p> <p>Substitute motion <u>FAILED</u> by a vote of 3 to 4 (Mayor Walkup, Council Members Ronstadt, West and Scott dissenting).</p> <p>Original motion <u>PASSED</u> by a vote of 4 to 3 (Council Members Anderson and Ibarra, Vice-Mayor Leal dissenting).</p>	<p><u>DIR. OF PLANNING</u></p>
<p>7. PUBLIC HEARING: ZONING (C9-99-24) MURPHEY GROOM TRUST – BROADWAY BOULEVARD, R-1 TO O-2, ZONING EXAMINER'S REPORT – FEB14-00-100</p> <p>Council Member Ronstadt MOVED, SECONDED by Council Member Scott to continue this item to February 28, 2000.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	<p><u>DIR. OF PLANNING</u> <u>AGENDA COMMITTEE</u></p>
<p>8. PUBLIC HEARING: ZONING (C9-90-17) ENIGMA PROPERTIES – IRVINGTON ROAD, C-2 ZONE CHANGE OF APPROVED DEVELOPMENT PLAN AND ORDINANCE ADOPTION – FEB14-00-101</p> <p>ORDINANCE NO. 9351</p>	<p><u>DIR. OF PLANNING</u> <u>AGENDA COMMITTEE</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

Council Member Ibarra MOVED, SECONDED by Council Member Scott to continue this item to the meeting of February 28, 2000.

Motion PASSED by a vote of 7 to 0.

9. PUBLIC HEARING: EL CON MALL REDEVELOPMENT, CHANGE IN THE CONDITIONS APPROVED FOR REZONING; RECONSIDERATION OF RESOLUTION NO. 18306; ADOPTION OF DEVELOPMENT AGREEMENT AND MODIFICATION OF RESOLUTION NO. 18306; ADOPTION OF AMENDED REZONING CONDITIONS (CONTINUED FROM THE MEETING OF JANUARY 24, 2000, WHICH WAS INTERRUPTED DUE TO THE LACK OF A QUORUM) – FEB14-00-103 AND JAN24-00-37

RESOLUTION NO. 18489
ORDINANCE NO. 9345

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

Motion PASSED by a vote of 7 to 0.

Council Member Scott MOVED, SECONDED by Council Member West that Mayor and Council pass and adopt Resolution No. 18489 with the following correction to Section #2:

Resolution 18306 is readopted, all conditions, procedures and requirements of 18306 are fully satisfied by compliance with this Resolution and any portion of Resolution 18306 which is inconsistent with the Development Agreement is hereby amended to conform to the Development Agreement.

9. PUBLIC HEARING: EL CON MALL REDEVELOPMENT, CHANGE IN THE CONDITIONS APPROVED FOR REZONING; RECONSIDERATION OF RESOLUTION NO. 18306; ADOPTION OF DEVELOPMENT AGREEMENT AND MODIFICATION OF RESOLUTION NO. 18306; ADOPTION OF AMENDED REZONING CONDITIONS (CONTINUED FROM THE MEETING OF JANUARY 24, 2000, WHICH WAS INTERRUPTED DUE TO THE LACK OF A QUORUM) – FEB14-00-103 AND JAN24-00-37

DIRS. OF DEV.
SERVICES AND
PLANNING

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Council Member West read a list of prior amendments (that are already included in the conditions and/or Development Agreement) and asked for one additional amendment to the Development Agreement and associated conditions:

1. The Home Depot will have limited hours from 6:00 a.m. to 10:00 p.m., a change from 11:00 p.m. (Exhibit "C" Section VII-G).

Amendment acceptable to the maker.

Council Member Anderson asked that there be an amendment to the motion that staff be directed to request the Pima Association of Governments (PAG) to conduct a transportation analysis to measure the overall traffic impacts that the development of El Con will have on our community.

Amendment acceptable to the maker.

Council Member Anderson offered a second amendment to the motion directing that the developers of El Con be requested to make information available to allow the City to conduct an Economic Impact Analysis, of the development, to include impact to small business, jobs, revenues, etc.

Amendment acceptable to the maker.

City Manager, Luis Gutierrez, advised that staff would return during a Study Session with a proposal addressing the methodology for an Economic Impact Analysis.

Motion, as amended, PASSED by a vote of 4 to 3 (Vice-Mayor Leal, Council Members Anderson and Ibarra dissenting).

9. PUBLIC HEARING: EL CON MALL REDEVELOPMENT, CHANGE IN THE CONDITIONS APPROVED FOR REZONING; RECONSIDERATION OF RESOLUTION NO. 18306; ADOPTION OF DEVELOPMENT AGREEMENT AND MODIFICATION OF RESOLUTION NO. 18306; ADOPTION OF AMENDED REZONING CONDITIONS (CONTINUED FROM THE MEETING OF JANUARY 24, 2000, WHICH WAS INTERRUPTED DUE TO THE LACK OF A QUORUM) – FEB14-00-103 AND JAN24-00-37

DIR. OF TRANS

DIR. OF FINANCE

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

Council Member Scott MOVED, SECONDED by Council Member West that Mayor and Council pass and adopt Ordinance No. 9345 with the same amendments to Development Agreement Conditions included previously with Resolution 18489.

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

Vice-Mayor Leal MOVED, SECONDED by Council Member Ibarra to direct staff to prepare a vehicle engaging the mall owners, area neighborhoods, perhaps the Tripartite Commission, and staff, in a planning/design charette. The purpose is to explore how “new urbanism” precepts can be applied to the remaining re-development of El Con Mall as well as potentially to other projects. Staff should consider incentives such as fee waivers and/or covering mitigation costs along Broadway to encourage the owners’ participation.

Motion PASSED by a vote of 7 to 0.

(Council Member Ronstadt departed at 8:50 p.m. and returned at 8:51 p.m.)

(Council Member Ronstadt departed at 9:54 p.m. and returned at 9:57 p.m.)

(Vice-Mayor Leal departed at 10:46 p.m.)

DIR. OF PLANNING

10. APPOINTMENTS TO BOARDS, COMMISSIONS AND
COMMISSIONS – FEB14-00-94

Council Member Anderson MOVED, SECONDED by Council Member Scott that Mayor and Council appoint John R. Carhuff to the Citizens’ Water Advisory Committee and appoint Vern Krohn (Disabled American Veterans, Rincon Chapter 18) to the Veterans’ Affairs Committee.

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Leal

CITY CLERK

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absent/excused).	
<p>11. CALL TO THE AUDIENCE, FOR PERSONS DESIRING TO SPEAK</p> <ul style="list-style-type: none">A. Edward C. Lowell addressed the Mayor and Council requesting clarification on action taken earlier in the evening regarding the El Con Mall Redevelopment.B. Christine Harvey addressed the Mayor and Council regarding town meetings.C. Francesca Jarvis urged the Mayor and Council to adopt some type of architectural code.D. Barbara Jamison addressed the Mayor and Council with concerns about Big Box “B” at El Con Mall.E. Edward Schevill commented on the Mayor and Council actions earlier in the evening regarding the El Con Mall Redevelopment.F. Bill Katzel addressed the Mayor and Council and voiced his general opposition to Big Box stores.G. Christine Jarvis addressed the Mayor and Council with concerns regarding parking at El Con Mall.	
<p>12. ADJOURNMENT: 10:58 P.M.</p> <p>The next regularly scheduled meeting of the Mayor and Council will be held on Monday, February 28, 2000, at 7:30 p.m. in the Mayor and Council Chambers, 255 West Alameda, Tucson, Arizona.</p>	