

MAYOR AND COUNCIL - REGULAR MEETING

ADMINISTRATIVE ACTION REPORT AND SUMMARY

JANUARY 13, 2003

FROM: CITY MANAGER



1. ROLL CALL: 7:38 P.M.

COUNCIL MEMBERS PRESENT: Mayor Robert E. Walkup, Vice-Mayor Shirley Scott, Council Members Jose J. Ibarra (Arrived at 7:40 p.m.), Carol West, Kathleen Dunbar, Steve Leal, and Fred Ronstadt, Kathleen S. Detrick, City Clerk

STAFF MEMBERS: James Keene, City Manager
Mike Letcher, Deputy City Manager
Michael House, City Attorney

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Pastor Roger Stogsdill, First Brethren Church, after which the Pledge of Allegiance was presented by the entire assembly.

PRESENTATIONS:

- a. Proclaiming January 13, 2003 to be Martin Luther King Jr. Day with the proclamation presented to Ray Davies.

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS – JAN13-03-32</p> <ul style="list-style-type: none">a. Council Member West announced that Wards 2 and 6 will host a joint Townhall on the Budget, Tuesday at 5:30 p.m. at the Ward 2 Council Office located at 7575 E. Speedway. Council Member Ronstadt added the event will be broadcast live on Cox Cable Channel 74.b. Council Member Ronstadt relayed praise to City staff that he received regarding the communication, flow of traffic, and general appreciation for the progress of the improvements at Grant and Campbell.c. Mayor Walkup congratulated the City Manager and Department of Economic Development for their effort on the Geico and Hamilton Aviation business announcements.	

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS
JAN13-03-33

City Manager, James Keene, announced:

- a. Congratulations and kudos should be given to those at Community Services who participated in drafting the Homeless Grant application to HUD. The City of Tucson was awarded \$4.3 million in grant funds which exceeds the areas calculated share.
- b. Descendents of Father Kino will highlight the Homage Exhibit that is hosted by El Centro Cultural (January 12th through the 19th at the Charles O. Brown House in downtown) and will be the only U.S. showing of mixed media art associated with this display.
- c. The Diamondback Bridge was honored with the Associated General Contractor's of America, Arizona Chapter Award that is the 2002 Build Arizona Award marking it as one of the best municipal utility construction projects in Arizona.
- d. Celebrating the legacy of Dr. Martin Luther King Jr. there will be a National Guard Armory (1750 E. Silverlake Drive) presentation of live entertainment and other events from 7-9 p.m.
- e. Vice-Mayor Shirley Scott has been appointed Vice-Chair of 2003 National League of Cities Community and Economic Development Steering Committee.

5. CALL TO THE AUDIENCE

- a. Myra Jones addressed the Mayor and Council to clarify her role in antique fairs and re-establish her desire for fee waivers.
- b. Elezabeth Cameron urged the Mayor and Council to repeal the spay/neuter ordinance and requested City Page include the upcoming Mayor and Council Agendas.
- c. Mardi Hatfield addressed the Mayor and Council and noted a concern with the failure to enforce the vicious dog ordinance.

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

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

*****ITEMS “D” AND “E” WERE DELETED FROM THE
CONSENT AGENDA *****

- A. FINANCE: CONTINGENCY FUND TRANSFER FOR
FAMILY ARTS FESTIVAL – JAN13-03-29

RESOLUTION NO. 19477

DIR. OF BUDGET
AND RESEARCH

- B. GRANT: ACCEPTANCE OF GRANT FUNDS FROM THE
STATE HISTORIC PRESERVATION OFFICE FOR
COMPLETION OF A NOMINATION TO THE NATIONAL
REGISTER OF HISTORIC PLACES FOR THE
WINTERHAVEN NEIGHBORHOOD – JAN13-03-27

RESOLUTION NO. 19478

GRANTS OFFICE

- C. REAL PROPERTY: ACQUISITION OF PROPERTY NEAR
THORNYDALE AND MAGEE ROADS FOR A POTABLE
WATER SUPPLY WELL – JAN13-03-28

RESOLUTION NO. 19479

DIR.OF WATER

Council Member West MOVED, SECONDED by Council Member
Ronstadt that items on the Consent Agenda (Except “D” and “E”) be
approved and/or adopted and proper action taken.

Motion PASSED by a vote of 7 to 0.

- D. FINANCE: SALE OF JUNIOR LIEN HIGHWAY USER
REVENUE REFUNDING BONDS, SERIES 2003 (A)
(CONT'D FROM MEETING OF JANUARY 6, 2003) –
JAN13-03-24

This item was continued to the Meeting of January 27, 2003 at
the request of staff.

DIR.OF FINANCE
AGENDA COMMITTEE

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

- E. TUCSON CODE: AMENDING (CHAPTER 4) RELATING TO ANIMALS AND FOWL; REVISING THE NOTICE AND PROCEDURES FOR TAKNG AND DESTROYING DANGEROUS, VICIOUS OR DESTRUCTIVE ANIMALS (CONT'D FROM MEETING OF DECEMBER 16, 2002) – JAN13-03-34
- ORDINANCE NO. 9804
- Council Member Dunbar MOVED, SECONDED by Council Member Leal to pass and adopt Ordinance No. 9804 with the following technical corrections:
- Revise Section 4-11 (A)(4)(a) and Section 4-13(D)(2)(a) to read as follows: provide the name of any victim and the names, addresses, and telephone numbers of any other witnesses the party plans to call at the hearing with a fair description of the substance of each witnesses expected testimony.
 - Add a new Section 4-11(E) and renumber the remaining sections and affected cross references to read as follows: The hearing shall be conducted pursuant to the City of Tucson local rules of practice and procedure and City Court Civil proceedings except that the more specific requirements of this section shall apply in the case of conflicting provisions.
 - Increase each of the maximum \$1,000 fines in Section 4-13 (H)(1)(2) and (3) to \$2,500 in order to conform to the general \$2,500 maximum fine that is set forth in the Tucson Code Section 1(A).
- Motion PASSED by a vote of 7 to 0.

CITY ATTORNEY

7. LIQUOR LICENSE APPLICATIONS – JAN13-03-26
- CHEVRON FOOD MART, CITY # 106-02
ARIZONA ALE HOUSE, CITY # 108-02
GALO'S, CITY # 107-02
BIG BROTHERS BIG SISTERS OF TUCSON, CITY # T107-02
MUSIC BOX LOUNGE, CITY # EP57-02
ROLLING HILLS GOLF COURSE, CITY # EP60-02

Council Member Dunbar MOVED, SECONDED by Vice-Mayor Scott to direct staff to forward these applications to the State Liquor Board with a recommendation for approval.

CITY CLERK

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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7. LIQUOR LICENSE APPLICATIONS – JAN13-03-26 (CONT'D)

Motion PASSED by a vote of 7 to 0.

(b)(3) FIREFLY FOOD & SPIRITS, CITY # 104-02

Council Member Ronstadt MOVED, SECONDED by Council Member Leal to direct staff to forward this application to the State Liquor Board with a recommendation for approval.

Motion PASSED by a vote of 7 to 0.

(b)(5) CHINATOWN BUFFET, CITY # 105-02

Council Member Leal MOVED, SECONDED by Council Member West to direct staff to forward this application to the State Liquor Board with a recommendation for denial.

(Council Member Ronstadt departed at 8:42 p.m. and returned at 8:44 p.m.)

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

8. ZONING: (C9-02-23) LEVIS/SUTTON – CAMP LOWELL DRIVE, SR/RX-1 TO C-1; CITY MANAGER'S REPORT – JAN13-03-30

Council Member West MOVED, SECONDED by Council Member Leal to continue this item to the meeting of January 27, 2003 as requested by the applicant.

Motion PASSED by a vote of 7 to 0.

DIR. OF DEV.
SERVICES

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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9. ZONING: (C9-02-17) BROWN – CAMINO SECO, SR TO R-2; CITY MANAGER’S REPORT – JAN13-03-31

Vice-Mayor Scott MOVED, SECONDED by Council Member West to approve the request for rezoning as recommended by the Zoning Examiner.

Motion PASSED by a vote of 7 to 0.

DIR. OF DEV.
SERVICES

10. WATER: NOTICE OF INTENTION TO IMPLEMENT WATER “SYSTEM EQUITY” FEE AND SCHEDULING A PUBLIC HEARING FOR MARCH 17, 2003 – JAN13-03-35

RESOLUTION NO. 19480

Vice-Mayor Scott MOVED, SECONDED by Council Member Ibarra to pass and adopt Resolution No. 19480 which:

- Adopts the Notice of Intention to implement new water fee.
- File the Water System Equity Fee Study, which includes the proposed fee schedule, with the City Clerk; and
- Establish March 17, 2003 as the date for a public hearing on the proposed fee.

Motion PASSED by a vote of 7 to 0.

DIR. OF WATER

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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11. PUBLIC HEARING: PROPOSED REVISIONS TO THE "TUCSON
SIGN CODE' (TUCSON CODE CHAPTER 3) – JAN13-03-36

DIR. OF DEV.
SERVICES

ORDINANCE NO. 9805

ORDINANCE NO. 9806

ORDINANCE NO. 9807

ORDINANCE NO. 9808

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

Motion PASSED by a vote of 7 to 0.

Council Member Ronstadt MOVED, SECONDED by Council Member
West to pass and adopt Ordinance No. 9805.

Motion PASSED by a vote of 7 to 0.

Ordinance No. 9806 was not acted upon.

Council Member Ronstadt MOVED, SECONDED by Vice-Mayor Scott
to remand Ordinance No. 9807 to the Citizen Sign Code Committee for
further clarification.

Motion PASSED by a vote of 7 to 0.

Council Member Ronstadt MOVED, SECONDED by Council Member
Scott to pass and adopt Ordinance No. 9808.

Motion WITHDRAWN.

Council Member Dunbar MOVED, SECONDED by Council Member
Ibarra to pass and adopt Ordinance No. 9808 with the following
revisions:

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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<p>11. PUBLIC HEARING: PROPOSED REVISIONS TO THE “TUCSON SIGN CODE” (TUCSON CODE CHAPTER 3) JAN13-03-36 (CONT'D)</p> <ul style="list-style-type: none">• That the fee exemption also be applied to an owner/occupant’s display of real estate for sale and real estate directional signs for the sale of a single-family residence. For purposes of this exemption, an owner/occupant is a natural person who both owns and occupies, <u>or previously occupied</u>, for a period of at least one year immediately prior to sign placement, the single-family residence that is the subject of the “For Sale” sign.• That the real estate sign fee exemptions shall not apply to a real estate agent or broker acting on behalf of an owner/occupant. <p>Motion <u>PASSED</u> by a vote of 6 to 1 (Council Member West dissenting).</p>	
<p>12. PUBLIC HEARING: <i>RINCON SOUTHEAST SUBREGIONAL PLAN</i> AMENDMENT, MAP DETAIL #9, WILMOT/JULIAN WASH – JAN13-03-37</p> <p>Council Member Leal MOVED, SECONDED by Council Member Ronstadt to continue this item to the second meeting of February (2/10/03) as requested by the applicant.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	<p><u>COMP. PLANNING</u> <u>TASK FORCE</u></p>
<p>13. PUBLIC HEARING: (C9-85-95) 22ND STREET/PANTANO PARKWAY ANNEXATION DISTRICT, C-3 ZONING, CHANGE OF CONDITIONS, ORDINANCE ADOPTION – JAN13-03-38</p> <p>ORDINANCE NO. 9809</p> <p>Council Member West MOVED, SECONDED by Council Member Leal to continue this item to the meeting of January 27, 2003 (to be located at the Tucson Convention Center in the Maricopa/Mohave Rooms) as requested by the applicant.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	<p><u>DIR. OF DEV.</u> <u>SERVICES</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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14. PUBLIC HEARING: *RINCON SOUTHEAST SUBREGIONAL PLAN* AMENDMENT, MAP DETAIL #4, HARRISON/I-10 (PANTANO ROAD-VOYAGER ROAD) – JAN13-03-39

RESOLUTION NO. 19481

Council Member Ibarra MOVED, SECONDED by Vice-Mayor Scott to close the public hearing.

Motion PASSED by a vote of 7 to 0.

Vice-Mayor Scott MOVED, SECONDED by Council Member West to pass and adopt Resolution No. 19481.

Motion PASSED by a vote of 7 to 0.

COMP. PLANNING
TASK FORCE

15. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES – JAN13-03-25

No appointments at this time.

CITY CLERK

16. CALL TO THE AUDIENCE

- a. Elezabeth Cameron addressed the Mayor and Council in opposition to the changes made to the Vicious Dog Ordinance.
- b. Mardi Hatfield addressed the Mayor and Council in opposition to the changes made to the Vicious Dog Ordinance and encouraged better enforcement.
- c. Lisa DeLong addressed the Mayor and Council in opposition to the changes made to the Vicious Dog Ordinance and encouraged better enforcement.
- d. Brent Davis addressed the Mayor and Council and commented on statements made regarding the enforcement of political regulation being complaint driven.

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17. ADJOURNMENT: 9:35 p.m.

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, January 27, 2003, at 7:30 p.m. in the Maricopa/Mojave Rooms, Tucson Convention Center, 260 South Church, Tucson, Arizona.