

MAYOR AND COUNCIL - REGULAR MEETING

ADMINISTRATIVE ACTION REPORT AND SUMMARY

JUNE 10, 2002

FROM: CITY MANAGER _____

1. ROLL CALL: 7:43 P.M.

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

ABSENT/EXCUSED: Council Member Jose J. Ibarra

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 Reverend Steve Shermett of Congregation Beth Sar Shalom after which the Pledge of Allegiance was recited by the Casas Adobes American Legion Auxiliary Poppy Princess.

PRESENTATIONS:

1. Mayor Walkup proclaimed the week of June 10, 2002 to be "The Bullock Firefighting Heroes Week".

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<p>3. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS JUNE10-02-323</p> <p>City Manager, James Keene, announced:</p> <ol style="list-style-type: none">1. Once again the Department of Transportation's Stormwater Planning was recognized by the American Public Works Association for the Desert Wash Safety Activity Book.2. The American Red Cross has sent a thank-you letter to the City of Tucson employees for participating in the "Every Penny Counts" campaign which raised \$2,000 to assist local victims of disaster.	

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3. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS
JUNE10-02-323 (CONT'D)

3. Mike Hardy and Richard Sandaval will represent Sun Tran drivers and mechanics at the National Bus Roadeo, September 21, 2002.
4. The State Legislature has changed the Open Meeting Law to allow Council Members to make comments, like the City Manager, at Mayor and Council Meetings.

4. CALL TO THE AUDIENCE

1. Ray Bianchi addressed the Mayor and Council and urged settlement to the CAP lawsuit.
2. Kim Scanlon addressed the Mayor and Council in support of animal rights homes for homeless pets and funding of Pima Animal Control.
3. David Waddel encouraged the Mayor and Council to consider an "interactive aquarium" vs. a live aquarium for Rio Nuevo.
4. Michael Tony encouraged the Mayor and Council to utilize all forms of technology to become a more efficient city.
5. Scott Vaughn addressed the Mayor and Council in support of the arts and encouraged funding be maintained at current levels.
6. Steve Ellis addressed the Mayor and Council in support of TPAC.
7. Sandee Brook addressed the Mayor and Council in support of ACCESS Tucson and free speech.
8. Andrew Sisk addressed the Mayor and Council in support of ACCESS Tucson.
9. Dan Harigan addressed the Mayor and Council and noted concerns with policies and procedures at ACCESS Tucson.
10. Noah Straley addressed the Mayor and Council in support of ACCESS Tucson.

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<p>5. <u>C O N S E N T A G E N D A</u></p> <p>*****ITEMS “G” AND “H” WERE DELETED FROM THE CONSENT AGENDA *****</p> <p>A. FINANCE: CONTINGENCY FUND TRANSFER FOR THE TUCSON DOWNTOWN ALLIANCE – JUNE10-02-324</p> <p>RESOLUTION NO. 19228</p>	<p><u>DIR. OF BUDGET AND RESEARCH</u></p>
<p>B. FINANCE: CONTINGENCY FUND TRANSFER FOR SUMMER YOUTH EMPLOYMENT – JUNE10-02-332</p> <p>RESOLUTION NO. 19230</p>	<p><u>DIR. OF BUDGET AND RESEARCH</u></p>
<p>C. MAGISTRATES: APPOINTMENT OF SPECIAL MAGISTRATE - JUNE10-02-318</p> <p>ORDINANCE NO. 9713</p>	<p><u>CITY COURT</u></p>
<p>D. ASSURANCE AGREEMENT: (S01-038) DREXEL VISTAS, LOTS 1 – 89, AND COMMON AREA “A” – JUNE10-02-321</p> <p>RESOLUTION NO. 19227</p>	<p><u>DIR. OF DEV. SERVICES</u></p>
<p>E. FINAL PLAT; (S01-038) DREXEL VISTAS, LOTS 1 – 89 AND COMMON AREA “A” – JUNE10-02-322</p>	<p><u>DIR. OF DEV. SERVICES</u></p>
<p>F. FINAL PLAT: (S01-010) SUN TRAN BUS STORAGE MAINTENANCE FACILITY, LOTS 1 AND 2 – JUNE10-02-325</p>	<p><u>DIR. OF DEV. SERVICES</u></p>

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<p>I. CONTRACT: WITH THE GOVERNOR’S OFFICE OF HIGHWAY SAFETY SOUTHERN ARIZONA DUI TASK FORCE AND SELECTIVE TRAFFIC ENFORCEMENT PROGRAMS – JUNE10-02-326</p> <p>RESOLUTION NO. 19229</p>	<p><u>POLICE CHIEF</u></p>
<p>J. TRANSPORTATION: SUBMISSION OF A CAPITAL GRANT APPLICATION WITH FEDERAL TRANSIT ADMINISTRATION – JUNE10-02-319</p> <p>RESOLUTION NO. 19226</p>	<p><u>DIR. OF TRANS</u></p>
<p>K. REAL PROPERTY: VACATION OF ALLEY RIGHT OF WAY LOCATED AT 308 WEST GLENN STREET TO TETRA CORPORATION – JUNE10-02-327</p> <p>ORDINANCE NO. 9714</p>	<p><u>DIR. OF TRANS</u></p>
<p>L. REAL PROPERTY: VACATION AND SALE OF PROPERTY LOCATED SOUTHEAST OF FORT LOWELL ROAD AND ALVERNON WAY TO FORT LOWELL ASSOCIATES, LLC JUNE10-02-328</p> <p>ORDINANCE NO. 9715</p>	<p><u>DIR. OF TRANS</u></p>
<p>M. REAL PROPERTY: VACATION OF STREET RIGHTS OF WAY AND AUTHORIZATION OF CONVEYANCE TO THE SUN TRAN BUS STORAGE AND MAINTENANCE FACILITY – JUNE10-02-329</p> <p>ORDINANCE NO. 9716</p>	<p><u>DIR. OF TRANS</u></p>

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<p>N. FINANCE: CONTINGENCY FUND TRANSFER TO THE ARIZONA NATIONAL GUARD YOUTH LEADERSHIP RETREAT - JUNE10-02-338</p> <p>RESOLUTION NO. 19242</p>	<p><u>DIR. OF BUDGET AND RESEARCH</u></p>
<p>Council Member Leal MOVED, SECONDED by Vice-Mayor West that items on the Consent Agenda (Except “G” and “H”) be approved and/or adopted and proper action taken.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Ibarra absent/excused).</p>	
<p>G. LABOR AGREEMENT: WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS; LOCAL 479; AND AMENDING CHAPTER 22 OF THE TUCSON CODE RELATING TO EMPLOYEE BENEFITS – JUNE10-02-336</p> <p>RESOLUTION NO. 19235</p> <p>H. LABOR AGREEMENT: WITH THE TUCSON POLICE OFFICER’S ASSOCIATION – JUNE10-02-335</p> <p>RESOLUTION NO. 19236</p> <p>Council Member Ronstadt MOVED, SECONDED by Council Member Leal to pass and adopt Resolution No. 19235 and Resolution No. 19236.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Ibarra absent/excused).</p>	<p><u>DIR. OF FINANCE</u></p>

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<p>6. LIQUOR LICENSE APPLICATIONS – JUNE10-02-320</p> <p>MONTGOMERY’S IRISH PUB, CITY # 038-02 7 BLACK CATS, CITY # 039-02</p> <p>Council Member Dunbar MOVED, SECONDED by Vice-Mayor West to direct staff to forward these applications to the State Liquor Board with recommendations for approval.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Ibarra absent/excused).</p>	<p><u>CITY CLERK</u></p>
<p>7. MEMORANDUM OF UNDERSTANDING: RELATING TO A MANAGED IN-CHANNEL RECHARGE PROJECT ALONG THE SANTA CRUZ RIVER – JUNE10-02-330</p> <p>RESOLUTION NO. 19231</p> <p>Council Member Scott MOVED, SECONDED by Vice-Mayor West to pass and adopt Resolution No. 19231.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Ibarra absent/excused).</p>	<p><u>DIR. OF WATER</u></p>
<p>8. ZONING: (C9-02-07) PEPPER – VINER – DOS HOMBRES ROAD, SR TO R-1 – JUNE10-02-331</p> <p>Vice-Mayor West MOVED, SECONDED by Council Member Leal to approve the request for rezoning as recommended by the Zoning Examiner and amended Condition #5 as follows:</p> <p>5. Provide necessary on-site and/or off-site drainage facilities to ensure</p>	<p><u>DIR. OF PLANNING</u></p>

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<p>that there is no post development increase in stormwater flow (i.e. no adverse impact) in Dos Hombres Road and in the stormwater flows existing on the northwest corner of the development.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Ibarra absent/excused).</p>	
<p>9. ZONING: (C9-02-08) PRIME SCHOOL – BROADWAY BOULEVARD, R-3 TO C-1 – JUNE10-02-316</p> <p>Council Member Ronstadt MOVED, SECONDED by Vice-Mayor West to approve the request for rezoning as recommended by the Zoning Examiner and the deletion of condition #4.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Ibarra absent/excused).</p>	<p><u>DIR. OF PLANNING</u></p>
<p>10. ZONING: ESTABLISHING ORIGINAL CITY ZONING FOR THE HUGHES ACCESS ROAD/STATE LAND ANNEXATION DISTRICT (C15-02-02) (CONTINUED FROM THE MEETING OF MAY 13, 2002) – JUNE10-02-317</p> <p>ORDINANCE NO. 9692</p> <p>Council Member Leal MOVED, SECONDED by Council Member Ronstadt to continue this item to June 17, 2002.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Ibarra absent/excused).</p>	<p><u>DIR. OF PLANNING</u></p>
<p>11. PUBLIC HEARING: ZONING (C9-97-08) HOUGHTON-IRVINGTON LP – IRVINGTON ROAD, SR TO MH-1, REQUEST FOR FIVE-YEAR TIME EXTENSION AND ORDINANCE ADOPTION FOR COMPLETION OF MH-1 PORTION OF CONDITIONS OF REZONING – JUNE10-02-337</p>	<p><u>DIR. OF PLANNING</u></p>

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<p>ORDINANCE NO. 9718</p> <p>This request was withdrawn.</p>	
<p>12. PUBLIC HEARING: ZONING (C9-97-08) HOUGHTON-IRVINGTON LP – IRVINGTON ROAD, SR TO C-1; REQUEST FOR FIVE-YEAR TIME EXTENSION OF C-1 PORTION OF CONDITIONS OF REZONING – JUNE10-02-333</p> <p>Council Member Ronstadt MOVED, SECONDED by Council Member Scott to close the public hearing.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Ibarra absent/excused).</p> <p>Council Member Scott MOVED, SECONDED by Council Member Dunbar to approve this request for a time extension of C-1 portion of conditions of rezoning.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Ibarra absent/excused).</p>	<p><u>DIR. OF PLANNING</u></p>
<p>RECESS: 9:05 P.M. RECONVENE: 9:19 P.M. MAYOR AND COUNCIL: ALL PRESENT (EXCEPT COUNC. IBARRA ABSENT/EXCUSED) STAFF: ALL PRESENT</p>	
<p>13. PUBLIC HEARING: TUCSON CODE (AMENDING CHAPTER 15) TO UPDATE AND MODERNIZE CHAPTER 15 REGARDING REFUSE; ESTABLISHING NEW RATES AND FEES FOR REFUSE COLLECTIONS AND LANDFILL SERVICES; AND ADOPTING</p>	<p><u>DIR. OF SOLID WASTE</u></p>

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RULES, PROCEDURES, AND REGULATIONS FOR THE TUCSON
RECYCLES PROGRAM – JUNE10-02-334

ORDINANCE NO. 9717
RESOLUTION NO. 19232
RESOLUTION NO. 19233

Vice-Mayor West MOVED, SECONDED by Council Member Ronstadt to
close the public hearing.

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

- 13 PUBLIC HEARING: TUCSON CODE (AMENDING CHAPTER 15)
TO UPDATE AND MODERNIZE CHAPTER 15 REGARDING
REFUSE; ESTABLISHING NEW RATES AND FEES FOR REFUSE
COLLECTIONS AND LANDFILL SERVICES; AND ADOPTING
RULES, PROCEDURES, AND REGULATIONS FOR THE TUCSON
RECYCLES PROGRAM – JUNE10-02-334 (CONT'D)

Vice-Mayor West MOVED, SECONDED by Council Member Ronstadt to
pass and adopt Ordinance No. 9717.

Council Member Ronstadt offered an amendment to include a status update
in December 2002.

Amendment acceptable to maker.

Motion, as amended, PASSED by a vote of 5 to 1 (Council Member Leal
dissenting, Council Member Ibarra absent/excused)

On a second roll call vote for the sole and separate purpose of amending the
Ordinance to include the emergency clause, the vote was 6 to 0 (Council
Member Ibarra dissenting).

Vice-Mayor West MOVED, SECONDED by Council Member Dunbar to
pass and adopt Resolution No. 19232.

Motion PASSED by a vote of 5 to 1 (Council Member Leal dissenting,
Council Member Ibarra absent/excused)

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<p>On a second roll call vote for the sole and separate purpose of amending the Resolution to include the emergency clause, the vote was 6 to 0 (Council Member Ibarra dissenting).</p> <p>Vice-Mayor West MOVED, SECONDED by Council Member Ronstadt to pass and adopt Resolution No. 19233 with the exception of the section establishing fees for downloading overloaded containers (2.6.F.4) and directed staff to work with the Solid Waste Committee to study this issue and return with recommendations.</p> <p>Motion <u>PASSED</u> by a vote of 4 to 2 (Council Members Scott and Leal dissenting, Council Member Ibarra absent/excused)</p>	
<p>13. PUBLIC HEARING: TUCSON CODE (AMENDING CHAPTER 15) TO UPDATE AND MODERNIZE CHAPTER 15 REGARDING REFUSE; ESTABLISHING NEW RATES AND FEES FOR REFUSE COLLECTIONS AND LANDFILL SERVICES; AND ADOPTING RULES, PROCEDURES, AND REGULATIONS FOR THE TUCSON RECYCLES PROGRAM – JUNE10-02-334 (CONT'D)</p> <p>On a second roll call vote for the sole and separate purpose of amending the Resolution to include the emergency clause, the vote was 6 to 0 (Council Member Ibarra dissenting).</p>	
<p>14. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES – JUNE10-02-315</p> <p>Council Member Ronstadt MOVED, SECONDED by Vice-Mayor West to:</p> <p>appoint Bruce L. Dawson (Registered Architect) to the Development Review Board;</p> <p>appoint Susana Morales (Ecologist/Wildlife Habitat Specialist) and Roger Watson (Neighborhood Representative) to the Landscape Advisory Committee; and</p> <p>appoint Georgeanna Kavanaugh to the Committee of Massage Examiners.</p>	<p><u>CITY CLERK</u></p>

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<p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Ibarra absent/excused).</p>	
<p>15. CALL TO THE AUDIENCE</p> <ol style="list-style-type: none">1. Helen Louie addressed the Mayor and Council and noted concerns with the programming policies at ACCESS Tucson and encouraged a performance audit.2. William Adams encouraged the Mayor and Council to not reduce finding to ACCESS Tucson and encouraged Solid Waste Management to clean up alleyways and washes. <p>15. CALL TO THE AUDIENCE (CONT'D)</p> <ol style="list-style-type: none">3. Willy Bils addressed the Mayor and Council noting concerns with "Call to the Audience" and with management of ACCESS Tucson and called for a "performance audit".4. Debbie Day addressed the Mayor and Council in support of ACCESS Tucson.5. Steve Guarrera encouraged the Mayor and Council to settle the CAP lawsuit.6. Dave Waddel encouraged the City Attorney to review the ADA in light of the Tucson Recycles Program.7. Yolanda Herrerra encouraged the elected officials to volunteer for the Dia del San Juan dunking tank.8. Tom Boling encouraged staff to address the green waste issue.	
<p>16. ADOURNMENT: 11:42 P.M.</p> <p>The next regularly scheduled meeting of the Mayor and Council will be held on Monday, June 17, 2002 at 2:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.</p>	