

MAYOR AND COUNCIL - REGULAR MEETING

ADMINISTRATIVE ACTION REPORT AND SUMMARY

OCTOBER 14, 2002

FROM: CITY MANAGER



1. ROLL CALL: 7:40 p.m.

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

ABSENT/EXCUSED: Council Member Steve Leal

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 Sharon Ewing of the Baha'i Faith after which the Pledge of Allegiance was presented by the entire assembly.

Mayor Walkup proclaimed October to be Disability Awareness Month.

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS – OCT14-02-610</p> <p>Vice-Mayor West noted that a display of “Homes for a Lifetime” will be at the SAHBA Home Show.</p> <p>Vice-Mayor West invited the public to a townhall entitled “Budget and Sense” at Ward 2, October 22, 2002 at 7:00 p.m. The townhall will be facilitated by Mayor Walkup and City Manager James Keene.</p>	

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4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS
OCT14-02-611

City Manager, James Keene, showed a video produced by Channel 12 that will be aired for the next month depicting the human side of the SABER program.

5. CALL TO THE AUDIENCE

- a. Willy Bills expressed a concern to the Mayor and Council regarding the information collected by Tucson Water.
- b. Ian Robertson read a resolution passed by the Southern Arizona Labor Council that expressed their disappointment in City Manager, James Keene.
- c. Yolanda Herrera addressed the Mayor and Council and wondered why the Southside is not receiving certain services and invited members of the Governing Body to meet with her.
- d. Jan Burholst addressed the Mayor and Council in opposition to raising Parks and Recreation fees.
- e. Alice Pennington addressed the Mayor and Council in opposition to raising Parks and Recreation fees.
- f. Charles Breirton addressed the Mayor and Council in opposition to raising Parks and Recreation fees.
- g. Nina Hamberg addressed the Mayor and Council in opposition to raising Parks and Recreation fees.
- h. Deherrera Tapia encouraged the Mayor and Council to establish after hours.
- i. Helen Louie addressed the Mayor and Council and noted concerns with information collected by Tucson Water.
- j. Dr. Carolyn Compton-Johnson addressed the Mayor and Council and expressed an interest in Rio Nuevo and preserving “A” Mountain.

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<p>6. <u>C O N S E N T A G E N D A</u></p> <p>*****ITEMS “G” AND “O” WERE DELETED FROM THE CONSENT AGENDA *****</p> <p>A. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR CITY ELECTION EQUIPMENT FOR THE NOVEMBER 2002 GENERAL ELECTION – OCT14-02-608</p> <p>RESOLUTION NO. 19379</p>	<p><u>CITY CLERK</u></p>
<p>B. ASSURANCE AGREEMENT: (S02-016) STONE RIDGE II, LOTS 1 TO 40 AND COMMON AREAS “A”, “B”, AND “C” – OCT14-02-622</p> <p>RESOLUTION NO. 19389</p>	<p><u>DIR. OF DEV. SERVICES</u></p>
<p>C. FINAL PLAT: (S02-016) STONE RIDGE II, LOTS 1 TO 40 AND COMMON AREAS “A”, “B”, AND “C” – OCT14-02-605</p>	<p><u>DIR. OF DEV. SERVICES</u></p>
<p>D. ASSURANCE AGREEMENT: (S01-018) COLINAS DE ORO, LOTS 1 TO 138, AND COMMON AREAS “A”, “B”, AND “C” OCT14-02-621</p> <p>RESOLUTION NO. 19390</p>	<p><u>DIR. OF DEV. SERVICES</u></p>
<p>E. FINAL PLAT: (S01-018) COLINAS DE ORO, LOTS 1 TO 138, AND COMMON AREAS “A”, “B”, AND “C” – OCT14-02-606</p>	<p><u>DIR. OF DEV. SERVICES</u></p>

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<p>F. ECONOMIC DEVELOPMENT: FOREIGN-TRADE ZONE SITE OPERATIONS AGREEMENT WITH TUCSON FROZEN STORAGE, L.L.C. – OCT14-02-609</p> <p>RESOLUTION NO. 19380</p>	<p><u>DIR. OF ECON. DEVELOPMENT</u></p>
<p>H. FINANCE: CONTINGENCY FUND TRANSFER FOR SAN XAVIER LITTLE LEAGUE MAJOR GIRLS ALL STAR SOFTBALL TEAM – OCT14-02-612</p> <p>RESOLUTION NO. 19382</p>	<p><u>DIR. OF BUDGET AND RESEARCH</u></p>
<p>I. FINANCE: CONTINGENCY FUND TRANSFER FOR THE 2002 RIO NUEVO FIRST RUN – OCT14-02-613</p> <p>RESOLUTION NO. 19383</p>	<p><u>DIR. OF BUDGET AND RESEARCH</u></p>
<p>J. REAL PROPERTY: WAIVER OF CLAIM AND LEASE AGREEMENT WITH THE SONORAN ART FOUNDATION AT 633 WEST 18TH STREET – OCT14-02-616</p> <p>ORDINANCE NO. 9777</p>	<p><u>DIR. OF TRANS</u></p>
<p>K. GRANT AGREEMENT: WITH THE ARIZONA AUTOMOBILE THEFT AUTHORITY FOR THE PUBLIC AWARENESS PROGRAM – OCT14-02-618</p> <p>RESOLUTION NO. 19384</p>	<p><u>POLICE CHIEF</u></p>

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<p>L. FINANCE: CONTINGENCY FUND TRANSFER FOR THE AMERICAN RED CROSS SOUTHERN ARIZONA CHAPTER SAVE A LIFE SATURDAY EVENT – OCT14-02-604</p> <p>RESOLUTION NO. 19391</p>	<p><u>DIR. OF BUDGET AND RESEARCH</u></p>
<p>M. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COMMUNITY COLLEGE FOR IMPROVEMENTS TO FRED ENKE DRIVE – OCT14-02-629</p> <p>RESOLUTION NO. 19392</p>	<p><u>DIR. OF TRANS</u></p>
<p>N. REVISED FINAL PLAT: (S01-021) RILLITO BUSINESS PARK CONDOMINIUMS, UNITS 1 TO 56 AND COMMON AREA “A” – OCT14-02-630</p>	<p><u>DIR. OF DEV. SERVICES</u></p>
<p>Vice-Mayor West MOVED, SECONDED by Council Member Ronstadt that items on the Consent Agenda (Except “G” and “O”) be approved and/or adopted.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	
<p>G. FINANCE: CONTINGENCY FUND TRANSFER FOR TUCSON ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN CONFERENCE – OCT14-02-614</p> <p>RESOLUTION NO. 19381</p> <p>Vice-Mayor West MOVED, SECONDED by Council Member Scott to pass and adopt Resolution No. 19381 with the following allocations:</p> <p>Ward 1 \$ 600</p>	<p><u>DIR. OF BUDGET AND RESEARCH</u></p>

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<p>Ward 2 \$2,000 Ward 4 \$1,375 Ward 6 \$ 700 Mayor \$ 750</p> <p>TOTAL: \$5,425</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	
<p>O. FINANCE: CONTINGENCY FUND TRANSFER FOR YWCA 2002 IT'S TIME TO TALK YOUTH FORUM – OCT14-02-631</p> <p>RESOLUTION NO. 19393</p> <p>Council Member Scott MOVED, SECONDED by Vice-Mayor West to pass and adopt Resolution No. 19393 with the following allocations and encouraged them to find funding elsewhere in the future:</p> <p>Ward 1 \$ 700.00 Ward 2 \$ 357.50 Ward 4 \$ 715.00 Ward 6 \$ 700.00 Mayor \$ 715.00</p> <p>TOTAL: \$3,187.50</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	<p><u>DIR. OF BUDGET AND RESEARCH</u></p>
<p>7. LIQUOR LICENSE APPLICATIONS – OCT14-02-607</p> <p>RP FOOD STORE, CITY # 070-02 TUCSON SYMPHONY ORCHESTRA, CITY # T087-02 TUCSON COMMUNITY SCHOOL, INC., CITY # T091-02 SKY ISLAND ALLIANCE, CITY # T092-02</p> <p>Council Member Dunbar MOVED, SECONDED by Council Member Scott that staff be directed to forward these applications to the State Liquor Board</p>	<p><u>CITY CLERK</u></p>

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<p>with recommendations for approval.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Leal absent/excused).</p> <p>(b)(2) MAVERICK KING OF CLUBS, CITY # 071-02</p> <p>Vice-Mayor West MOVED, SECONDED by Council Member Dunbar that staff be directed to forward this application to the State Liquor Board with a recommendation for approval.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	
<p>8. ZONING: (C9-00-03) NEW WORLD HOMES – 22ND STREET, SR AND RX-1 TO R-1, ORDINANCE ADOPTION – OCT14-02-617</p> <p>ORDINANCE NO. 9778</p> <p>Vice-Mayor West MOVED, SECONDED by Council Member Ronstadt to pass and adopt Ordinance No. 9778.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	<p><u>DIR. OF DEV.</u> <u>SERVICES</u></p>
<p>16. PUBLIC HEARING: <i>LAND USE CODE</i> AMENDMENT – AIRPORT ENVIRONS ZONE/DAVIS MONTHAN AIR FORCE BASE – OCT14-02-626</p> <p>ORDINANCE NO. 9781</p> <p>Council Member Ronstadt MOVED, SECONDED by Vice-Mayor West to close the public hearing.</p> <p>Council Member Scott MOVED, SECONDED by Council Member Dunbar to substitute the motion to not close the public hearing.</p> <p>Substitute motion <u>PASSED</u> by a vote of 4 to 2 (Council Member Ronstadt and Vice-Mayor West dissenting, Council Member Leal absent/excused).</p>	<p><u>PLANNING TASK</u> <u>FORCE</u></p>

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Council Member Ronstadt MOVED, SECONDED by Vice-Mayor West to continue this item for two weeks and ask staff to address possible impacts of State Legislation 288481 dealing with military airports and Senate Bill 1393 and Sections 288471 and 288474 dealing with airport hazard areas.

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

13. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 3) SIGN CODE RELATING TO ELECTRONIC MESSAGE SIGNS, REAL ESTATE FEES, AND PROHIBITED SIGNS – OCT14-02-623

ORDINANCE NO. 9782

ORDINANCE NO. 9783

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

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

Council Member Dunbar MOVED, SECONDED by Council Member Scott to pass and adopt Ordinance No. 9782.

Vice-Mayor West MOVED to substitute the motion to refer this issue to the Good Government Subcommittee and to work with the realtors.

Motion DIED for lack of a second.

Main motion PASSED by a vote of 5 to 1 (Vice-Mayor West dissenting, Council Member Leal 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 Leal absent/excused).

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Council Member Ibarra MOVED, SECONDED by Vice-Mayor West to not approve Ordinance No. 9783.

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

17. PUBLIC HEARING: REQUEST FOR VARIANCES FROM ELEMENTS OF THE WATERCOURSE, AMENITIIES, SAFETY AND HABITAT (W.A.S.H.) ORDINANCE – LAKESIDE RIDGE SUBDIVISION, LOTS 1 TO 68 – OCT14-02-627

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

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

Council Member Scott MOVED, SECONDED by Council Member Ronstadt to grant the variances requested (1, 2 and 3) based upon evidence presented at the public hearing and finding that there are special circumstances applicable to this specific property which justify granting the variances and that these special circumstances are not self-imposed by the property owner and the variances granted are the minimum necessary to grant relief.

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

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11. ZONING: (C9-01-16) TM HEALTHCARE, R-1 TO O-2, CITY MANAGER’S REPORT – OCT14-02-628

Vice-Mayor West MOVED, SECONDED by Council Member Ronstadt to

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approve the request for rezoning as recommended by the Zoning Examiner and Condition # 4 should read (2nd sentence):

this plan is preliminary and may vary from the final engineering development plan as long as the concept plan and the minimum trail widths are adhered to.

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

14. PUBLIC HEARING: (C9-97-11) DOWNTOWN DEVELOPMENT CORPORATION – 5TH AVENUE, R-3 TO P, C-2 AND C-3, TIME EXTENSION AND ORDINANCE ADOPTION – OCT14-02-624

ORDINANCE NO. 9779

(Vice-Mayor West departed at 11:41 p.m. and returned at 11:45 p.m.)

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

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

Council Member Ronstadt MOVED, SECONDED by Council Member Ibarra to approve the request for a five-year time extension to September 9, 2007 and pass and adopt Ordinance No. 9779.

Motion PASSED by a vote of 5 to 0 (Vice-Mayor West and Council Member Leal absent/excused).

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15. PUBLIC HEARING: *LAND USE CODE* AMENDMENT – RIO NUEVO AND DOWNTOWN ZONE – OCT14-02-625

ORDINANCE NO. 9780.

COMPREHENSIVE
PLANNING TASK
FORCE

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<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 Leal absent/excused).</p> <p>Council Member Ronstadt MOVED, SECONDED by Council Member Scott to pass and adopt Ordinance No. 9780.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	
<p>9. ZONING: (C9-02-20) CACHITA – FORT LOWELL ROAD, R-1 TO O-3; CITY MANAGER’S REPORT – OCT14-02-620</p> <p>Council Member Scott MOVED, SECONDED by Council Member Ibarra to approve the request for rezoning as recommended by the Zoning Examiner.</p> <p>Motion <u>PASSED</u> by a vote of 5 to 0 (Council Member Dunbar declared a potential conflict of interest; Council Member Leal absent/excused).</p>	<p><u>DIR. OF DEV.</u> <u>SERVICES</u></p>
<p>10. ZONING: (C9-02-14) GENESEE – SILVERBELL ROAD, SR/SH TO R-1; CITY MANAGER’S REPORT – OCT14-02-619</p> <p>Council Member Ibarra MOVED, SECONDED by Vice-Mayor West to approve the request for rezoning as recommended by the Zoning Examiner.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Council Member Leal absent/excused).</p>	<p><u>DIR. OF DEV.</u> <u>SERVICES</u></p>
<p>12. ECONOMIC DEVELOPMENT: ESTABLISHING FINANCIAL</p>	<p><u>DIR. OF ECON.</u></p>

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<p>INCENTIVES FOR DEVELOPMENT IN THE DOWNTOWN CORE OCT14-02-615</p> <p>RESOLUTION NO. 19388</p> <p>Council Member Scott MOVED, SECONDED by Council Member Ronstadt to pass and adopt Resolution No. 19388.</p> <p>Motion <u>PASSED</u> by a vote of 5 to 1 (Vice-Mayor West dissenting, Council Member Leal absent/excused).</p>	<p><u>DEVELOPMENT</u></p>
<p>18. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES – OCT14-02-603</p> <p>Council Member Dunbar announced her personal appointment of Kristie Cunningham to the Pima County/Tucson Women’s Commission.</p>	<p><u>CITY CLERK</u></p>
<p>19. CALL TO THE AUDIENCE</p> <p>a. Janet Berner spoke in opposition to Regular Agenda Item # 14.</p> <p>b. Alma Morada spoke in opposition to Regular Agenda Item # 14.</p>	
<p>20. ADJOURNMENT: 11:57 P.M.</p> <p>The next regularly scheduled meeting of the Mayor and Council will be held on Monday, October 21, 2002, at 2:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.</p>	