

MAYOR AND COUNCIL - REGULAR MEETING

ADMINISTRATIVE ACTION REPORT AND SUMMARY

SEPTEMBER 27, 2004

FROM: CITY MANAGER



1. ROLL CALL: 5:40 P.M.

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

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Adam Andrews, Executive Assistant to the Chairwoman and Vice Chair, Tohono O'odham Nation, after which the Pledge of Allegiance was presented by the entire assembly.

PRESENTATIONS:

- a. Proclamation – Proclaiming September 27, 2004 to be American Indian Awareness Day.

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS – SEPT27-04-519</p> <p>a. Council Member West announced that tomorrow at 7:00 p.m., the Ward 2 Council Office will be hosting a townhall on “Protecting Our Groundwater”.</p> <p>b. Vice-Mayor Ronstadt announced that the annual “Buddy Walk” supporting the Southern Arizona Network for Down Syndrome will be held this Saturday, October 2, 2004 at the DeMeester Auditorium. Also, the Tucson Slavik Festival will take place this weekend October 1st – 2nd. Call 886-4225 for details.</p>	

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS
SEPT27-04-520

City Manager, James Keene, announced that:

- a. This week is Architecture Week and there will be a series of activities sponsored by the Southern Arizona Institute of Architects, including tours of the Historic Depot.
- b. LP & G Management Group will be relocating their offices to the Historic Depot this week.
- c. The September issue of the Smithsonian Magazine includes an article featuring Tucson's Gem and Mineral Show.

5. LIQUOR LICENSE APPLICATIONS – SEPT27-04-515

TOM'S BBQ, CITY # 053-04

BUMSTED'S, CITY # 054-04

RIALTO FOUNDATION, CITY # T073-04

FOUNDATION FOR PIMA ANIMAL CARE, CITY # T091-04

Council Member Ibarra MOVED, SECONDED by Council Member Scott to direct staff to forward these applications to the State Liquor Board with recommendations for approval.

Motion PASSED by a vote of 7 to 0.

PICURRO PIZZERIA # 5, CITY #056-04

Council Member West MOVED, SECONDED by Council Member Scott 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.

ST. MARGARET MARY PARISH, CITY # T076-04

Council Member Ibarra 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.

CITY CLERK

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

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

*****ITEMS “I”, “J”, AND “K” WERE DELETED FROM THE
CONSENT AGENDA *****

- A. TUCSON CODE: AMENDING (CHAPTER 19) UPDATING
MODEL CITY TAX CODE REGULATIONS TO PROVIDE
FOR ALTERNATE METHODS OF VERIFICATION OF
PRIVILEGE TAX RETURNS – SEPT27-04-516

ORDINANCE NO. 10043

DIR. OF FINANCE

- B. AGREEMENT: FACILITIES DEVELOPMENT AGREEMENT
WITH PIMA COUNTY JUNIOR SOCCER LEAGUE FOR
LIGHTING AT GOLF LINKS SPORTS COMPLEX – SEPT27-
04-521

RESOLUTION NO. 19945

DIR. OF PARKS
AND RECREATION

- C. INTERGOVERNMENTAL AGREEMENT: WITH PIMA
COUNTY FOR A TRAFFIC SIGNAL ON SILVERBELL ROAD
AT SWEETWATER DRIVE – SEPT27-04-522

RESOLUTION NO. 19944

DIR. OF TRANS

- D. ASSURANCE AGREEMENT: (S03-021) CIVANO II
SUBDIVISION, LOTS 1 TO 192, BLOCKS 1 AND 2,
COMMON AREAS “A”, “B”, “C” AND “D” – SEPT27-04-523

RESOLUTION NO. 19946

DIR. OF DEV.
SERVICES

- E. FINAL PLAT: (S03-021) CIVANO II SUBDIVISION, LOTS 1
TO 192, BLOCKS 1 AND 2, COMMON AREAS “A”, “B”, “C”
AND “D” – SEPT27-04-526

DIR. OF DEV.
SERVICES

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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<p>F. FINAL PLAT: (S03-008) KLETECHKA CONDOMINIUMS SUBDIVISION UNITS 1 TO 8 AND COMMON AREAS “A” AND “B” (CONT’D FROM MEETING OF SEPTEMBER 7, 2004) – SEPT27-04-514</p>	<p><u>DIR. OF DEV. SERVICES</u></p>
<p>G. REAL PROPERTY: SALE OF SURPLUS PROPERTY NEAR 17TH STREET AND SOUTH CHERRYBELL AVENUE TO PGR CONSTRUCTION, INC. – SEPT27-04-527</p> <p>ORDINANCE NO. 10045</p>	<p><u>DIR. OF GENERAL SERVICES</u></p>
<p>H. REAL PROPERTY: AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR PROPERTY FORMERLY OWNED BY THE CITY OF TUCSON – SEPT27-04-513</p> <p>ORDINANCE NO. 10046</p>	<p><u>DIR OF GENERAL SERVICES</u></p>
<p>L. TUCSON CODE: TECHNICAL AMENDMENTS TO ORDINANCE 10041 (THE PEDDLERS ORDINANCE) TO REFLECT AMENDMENTS APPROVED BY THE MAYOR AND COUNCIL ON SEPTEMBER 20, 2004 – SEPT27-04-532</p> <p>ORDINANCE NO. 10054</p>	<p><u>CITY ATTORNEY</u></p>
<p>Council Member Scott MOVED, SECONDED by Council Member Dunbar that items on the Consent Agenda (Except “T”, “J”, and “K”) be approved and/or adopted and proper action taken.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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<p>I. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH O.T. ADOBE L.L.C. (CONT'D FROM MEETING OF SEPTEMBER 13, 2004) – SEPT27-04-529</p> <p>RESOLUTION NO. 19923</p> <p>J. PRE-ANNEXATION AND DEVELOPMENT AGREEMENTS: WITH NEW TUCSON UNIT 2 HOMEOWNERS ASSOCIATION, INC., NEW TUCSON UNIT 5 HOMEOWNERS ASSOCIATION, INC. AND NEW TUCSON UNIT 8 HOMEOWNERS ASSOCIATION, INC. (CONT'D FROM MEETING OF SEPTEMBER 13, 2004) – SEPT27-04- 530</p> <p>RESOLUTION NO. 19926 RESOLUTION NO. 19927 RESOLUTION NO. 19928</p> <p>K. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH FIDELITY NATIONAL TITLE AGENCY, INC. (CONT'D FROM MEETING OF SEPTEMBER 13, 2004) – SEPT27-04-531</p> <p>RESOLUTION NO. 19929</p> <p>These items will be continued as discussed as part of Item # 1 on the Study Session.</p>	<p><u>URBAN PLANNING</u> <u>AGENDA COMMITTEE</u></p>
<p>7. CALL TO THE AUDIENCE</p> <p>a. Michael Toney addressed the Mayor and Council with his thoughts on pre-annexation, City-County relations and suggested Council Member Leal host a cable show on fusion jazz.</p> <p>b. Jim Lockier addressed the Mayor and Council noting a concern with improper juvenile activities and offered ideas and assistance for youth intervention.</p> <p>c. Patty Kuvik thanked the Mayor and Council for their earlier decision to delay any decision on pre-annexation agreements.</p>	

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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8. PUBLIC HEARING: APPLICATION BY TUCSON GREYHOUND
PARK FOR OFF-TRACK BETTING SITES – SEPT27-04-517

RESOLUTION NO. 19942

RESOLUTION NO. 19943

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

Motion PASSED by a vote of 7 to 0.

Council Member Ibarra MOVED, SECONDED by Council Member Scott
to pass and adopt Resolution No. 19942 with the following amendment:

Section 4 should now read, “Pursuant to ARS §5-11(A) the application for
off-track betting for horse and dog racing, located at...”

Motion PASSED by a vote of 5 to 2 (Council Members Dunbar and West
dissenting).

On a second roll call vote for the sole and separate purpose of amending the
resolution to include the emergency clause the vote was 7 to 0.

Council Member Ibarra MOVED, SECONDED by Council Member Scott
to pass and adopt Resolution No. 19943 with the following amendment:

Section 4 should now read, “Pursuant to ARS §5-11(A) the application for
off-track betting for horse and dog racing, located at...”

Motion PASSED by a vote of 5 to 2 (Council Members Dunbar and West
dissenting).

On a second roll call vote for the sole and separate purpose of amending the
resolution to include the emergency clause the vote was 7 to 0.

CITY CLERK

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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9. PUBLIC HEARING: ZONING (C9-98-25) STARR PASS
BOULEVARD SR TO C-1, REQUEST FOR TIME EXTENSION –
SEPT27-04-525

Council Member Ibarra MOVED, SECONDED by Council Member West
to continue this item one week.

Motion PASSED by a vote of 7 to 0.

DIR. OF DEV.
SERVICES
AGENDA COMMITTEE

10. URBAN PLANNING AND DESIGN: COST OF SERVICE –
PROPOSED DEVELOPMENT IMPACT FEES FOR ROADS AND
PARKS – SEPT27-04-528

ORDINANCE NO. 10053 (OPTION A OR OPTION B)

Council Member West MOVED, SECONDED by Vice-Mayor Ronstadt to
pass and adopt Ordinance No. 10053 Option A, and refer Parks Impact Fee
back to staff. This motion includes the Alternate Benefit District Map and
respective Alternate Ordinance Language. Staff should be prepared to return
with a review of the Impact Fee 9-12 months after implementation.

Council Member Leal MOVED, SECONDED by Council Member Ibarra
to substitute the motion to adopt and approve Ordinance No. 10053, Park
Option, with the following amendments and direction:

Fee Determination - §23A-81(1)(a) Residential. The chart in §23A-81(1)(a)
will be amended to show the fee for Residential to be \$2.00 per square foot
for Roads, and \$1.54 per square foot in the Central Benefit District. The
section also will be amended to state that this residential fee represents an
assessment of less than 100% (approximately 93%) of the fee calculation per
the Impact Fee Study.

Assessment and Payment of Fees; Nonresidential Development - §23A-
86(2) - Will be amended to state that no fee shall be assessed until July 15,
2006; then a 50% fee until January 15, 2008; and a full fee thereafter.

Cap on Residential Fees - §23A-81(9) - Will be amended to state that the
road and park impact fees for residential uses shall be capped at 3,000
square feet for each dwelling unit.

URBAN PLANNING

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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10. URBAN PLANNING AND DESIGN: COST OF SERVICE –
PROPOSED DEVELOPMENT IMPACT FEES FOR ROADS AND
PARKS – SEPT27-04-528 (Cont'd from previous page)

Directing staff to proceed with the implementation of a Regional Parks Impact Fee at \$.80 per square foot as provided in Ordinance 10053, Park Option and directing staff to take the next 6-9 months of “no fee collection” to develop an appropriate neighborhood park fee proposal.

Alternate Benefit District Map and respective alternate Ordinance language - Attachment C to the Communication (Alternate Benefit District Map and Alternate Ordinance language) is approved and adopted with the additional amendment that § 23A-84(4) and the Map shall be modified to move the northern boundary in the Southeast Benefit District from Irvington to Golf Links.

Low Income Program - The City Manager is directed to explore various options and strategies to develop an acceptable low-income waiver, or similar program that accomplishes the goal of having lesser fees for affordable or low-income housing.

Assessment and Payment of Fees; Sec. 23A-86(2) - As requested by Council Member Ibarra, to clarify language for local contractors. Insert “to an owner or occupant” in the first sentence directly after, "certificate of occupancy."

As requested by Council Member West staff will return with a review in 9-12 months after the effective date of the Ordinance.

Substitute PASSED by a vote of 6 to 1 (Council Member Dunbar dissenting).

It was noted that any future change to the Administrative Fee § 23A-81(7) will require approval by the Mayor and Council.

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

11. ZONING: (C15-88-04) VISTA DEL NORTE ANNEXATION DISTRICT – LIMBERLOST R-2 ZONING, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION – SEPT27-04-524

ORDINANCE NO. 10044

Council Member Dunbar MOVED, SECONDED by Council Member Scott to approve the request for rezoning as recommended by the City Manager, with changes to Section 3 relating to building height, “building heights shall be limited to a maximum of 25 feet measured from the finished grade”;

and new Section 14 which states:

Developer shall work with City Transportation staff to explore the feasibility of incorporating traffic calming and mitigation measures at the eastern end of the property.

Motion PASSED by a vote of 7 to 0.

DIR. OF DEV.
SERVICES

12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES – SEPT27-04-518

Council Member Dunbar MOVED, SECONDED by Council Member Scott to appoint Rita Bartels and Karen Cesare to the Citizens’ Water Advisory Committee.

Motion PASSED by a vote of 7 to 0.

CITY CLERK

13. ADJOURNMENT: 7:22 P.M.

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, October 4, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.