

MAYOR AND COUNCIL ADMINISTRATIVE ACTION REPORT AND SUMMARY

MAYOR AND COUNCIL - REGULAR MEETING

SEPTEMBER 27, 1999

FROM: CITY MANAGER \_\_\_\_\_

1. ROLL CALL: 7:31 P.M.

COUNCIL MEMBERS PRESENT: Mayor George Miller, Vice-Mayor Janet Marcus, Council Members Jose J. Ibarra, Jerry Anderson, Shirley C. Scott, Steve Leal 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 Pastor John Ponder, Christian Faith Center, after which the Pledge of Allegiance was presented by the entire assembly.

PRESENTATIONS:

A. Mayor Miller presented the "1999 Misdemeanor Prosecutor of the Year" Award from the Arizona Prosecuting Attorney's Advisory Council to Prosecutor Jane H. Fairall from the Criminal Division of the City Attorney's Office.

B. Mayor Miller proclaimed October 1999 to be "Dental Hygiene Month".

AGENDA ITEM/MAYOR AND COUNCIL ACTION

STAFF ACTION

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

\*\*\*\*\*ITEMS "P(4)" AND "P(8)" WERE DELETED FROM THE  
CONSENT AGENDA \*\*\*\*\*

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

<p>A. GRANT AGREEMENT: WITH ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR FUNDING OF A YOUTH ALCOHOL ENFORCEMENT PROGRAM – SEPT27-99-484</p> <p>RESOLUTION NO. 18370</p>	<p><u>POLICE CHIEF</u></p>
<p>B. GRANT AWARD APPLICATION: WITH ARIZONA DEPARTMENT OF LIBRARY, ARCHIVES AND PUBLIC RECORDS FOR GRANT-IN-AID FUNDS FOR CITY LIBRARY DEVELOPMENT – SEPT27-99-486</p> <p>RESOLUTION NO. 18391</p>	<p><u>DIR. OF LIBRARY</u></p>
<p>C. GRANT AWARD APPLICATION: WITH ARIZONA DEPARTMENT OF LIBRARY, ARCHIVES AND PUBLIC RECORDS FOR GRANT-IN-AID FUNDS FOR COUNTY LIBRARY DEVELOPMENT – SEPT27-99-487</p> <p>RESOLUTION NO. 18392</p>	<p><u>DIR. OF LIBRARY</u></p>
<p>D. REAL PROPERTY: RELLEASE OF INTERESTS AND OBLIGATIONS RELATED TO THE “LOS ANGELES DITCH” ON THE A-7 RANCH (FORMERLY KNOWN AS BELLOTA RANCH) – SEPT27-99-488</p> <p>ORDINANCE NO. 9283</p>	<p><u>DIR. OF TRANS</u></p>
<p>E. REAL PROPERTY: VACATION AND CONVEYANCE OF ALLEY RIGHT-OF-WAY FOR THE PROPOSED JOSLYN HEIGHTS RESUBDIVISION – SEPT27-99-489</p> <p>ORDINANCE NO. 9284</p>	<p><u>DIR. OF TRANS</u></p>
<p>F. REAL PROPERTY: PROPOSED VACATION OF RIGHT-OF-WAY LOCATED ON BOGGIE DRIVE FOR THE ENCLAVE AT VALLEY RANCH SUBDIVISION – SEPT27-99-490</p> <p>ORDINANCE NO. 9285</p>	<p><u>DIR. OF TRANS</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION	STAFF ACTION
G. REAL PROPERTY: VACATION AND CONVENANCE OF ALLEY RIGHTS-OF-WAY LOCATED ON REX STRAVENUE TO ADJOINING PROPERTY OWNERS – SEPT27-99-491  ORDINANCE NO. 9286	<u>DIR. OF TRANS</u>
H. REAL PROPERTY: AUTHORIZATION TO ACQUIRE REPLACEMENT WELLSITE NEAR CAMPBELL AND 8 <sup>TH</sup> STREET – SEPT27-99-492  RESOLUTION NO. 18393	<u>DIR. OF TRANS</u>
I. MEMORANDUM OF UNDERSTANDING: WITH THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY WASTE PROGRAMS DIVISION, THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA AND THE CITY OF PHOENIX FOR IMPLEMENTATION OF THE ENVIRONMENTAL PROTECTION AGENCY BROWNFIELD CLEANUP REVOLVING LOAN FUND GRANT PROGRAM – SEPT27-99-493  RESOLUTION NO. 18394	<u>OFFICE OF ENV. MGMT.</u>
J. ENERGY: AUTHORIZATION TO INSTALL PHOTOVOLTAIC EQUIPMENT IN CITY OF TUCSON FACILITIES – SEPT27-99-498  RESOLUTION NO. 18395	<u>DIR. OF OPERATIONS</u>
K. FEDERAL EQUITABLE SHARING AGREEMENT: WITH THE U.S. DEPARTMENT OF THE TREASURY FOR SHARING OF FEDERALLY FORFEITED PROPERTY – SEPT27-99-495  RESOLUTION NO. 18397	<u>POLICE CHIEF</u>
L. PLATS: (S98-004) FINAL PLAT – JOSLYN HEIGHTS, LOTS 1 THROUGH 8 – SEPT27-99-496	<u>DIR. OF DEV. SERVICES</u>
M. PLATS: (S99-015) FINAL PLAT – MISSION VISTA	<u>DIR. OF DEV.</u>

AGENDA ITEM /MAYOR AND COUNCIL ACTION	STAFF ACTION
APARTMENTS (REPLAT OF A PORTION OF VECTOR CENTRE EXECUTIVE PARK) – SEPT27-99-497	<u>SERVICES</u>
N. INTERGOVERNMENTAL AGREEMENT: WITH AMPHITHEATER SCHOOL DISTRICT NO. 10 FOR RENOVATION, MAINTENANCE AND JOINT USE OF FACILITIES AT E.C. NASH ELEMENTARY SCHOOL, REPEALING RESOLUTION NO. 17003 – SEPT27-99-501  RESOLUTION NO. 18398	<u>DIR. OF PARK AND RECREATION</u>
O. ECONOMIC DEVELOPMENT: SUBMISSION OF APPLICATION TO THE FOREIGN-TRADE ZONES BOARD FOR EXPANSION OF GENERAL-PURPOSE FOREIGN-TRADE ZONE NO. 174 – SEPT27-99-485  RESOLUTION NO. 18399	<u>DIR. OF ECON. DEVELOPMENT</u>
P. LIQUOR LICENSES – SEPT27-99-482  City No. T083-99 City No. T084-99 City No. T093-99 City No. T095-99 City No. T097-99	<u>CITY CLERK</u>
Council Member Leal MOVED, SECONDED by Council Member Anderson, that items on the Consent Agenda (Excepting “P(4)” and “P(8)” and amending “P(9) with a recommendation for approval) be approved and/or adopted and proper action taken.  Motion <u>PASSED</u> by a vote of 7 to 0.	<u>CITY CLERK</u>
P. LIQUOR LICENSES – SEPT27-99-482	<u>CITY CLERK</u>

AGENDA ITEM /MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>(4) RIALTO FOUNDATION, APPLICANT: JEB B. SCHOONOVER, 5<sup>TH</sup> AVE. BETWEEN CONGRESS ST. AND BROADWAY BLVD., SPECIAL EVENT, CITY NO T092-99, WARD 6</p> <p>This item was continued for one week.</p>	<p><u>AGENDA COMMITTEE</u></p>
<p>P. LIQUOR LICENSES – SEPT27-99-482</p> <p>(8) MAC DADDY’S: APPLICANT: LARRY COHEN, 500 NO. 4<sup>TH</sup> AVE., #12, PERSON LOCATION TRANSFERS, SERIES 6, CITY NO. 068-99, WARD 6 (CONT’D FROM THE MEETING OF SEPTEMBER 20, 1999)</p> <p>Council Member Ronstadt MOVED, SECONDED by Council Member Scott, 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 7 to 0.</p>	<p><u>CITY CLERK</u></p>
<p>4. CITY MAGISTRATES: APPOINTMENT OF CITY MAGISTRATE AND FIXING COMPENSATION – SEPT27-99-499</p> <p>ORDINANCE NO. 9288 (OPTION A AND B)</p> <p>Council Member Anderson MOVED, SECONDED by Council Member Leal, that Mayor and Council pass and adopt Ordinance No. 9288 – Option A.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	<p><u>CITY COURT</u></p>
<p>5. CITY MAGISTRATES: APPOINTMENT OF CITY MAGISTRATE</p>	<p><u>CITY COURT</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

<p>AND FIXING COMPENSATION – SEPT27-99-500</p> <p>ORDINANCE NO. 9289</p> <p>Council Member Ibarra MOVED, SECONDED by Council Member Scott, that Mayor and Council pass and adopt Ordinance No. 9289.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	
<p>6. PUBLIC HEARING: TUCSON CODE AMENDING (CHAPTER 6) ADOPTION OF THE NATIONAL ELECTRICAL CODE, 1999 EDITION WITH MODIFICATIONS – SEPT27-99-494</p> <p>ORDINANCE NO. 9287</p> <p>Council Member Scott MOVED, SECONDED by Vice-Mayor Marcus that Mayor and Council close the public hearing.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p> <p>Vice-Mayor Marcus MOVED, SECONDED by Council Member Anderson, that Mayor and Council pass and adopt Ordinance No. 9287.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	<p><u>DIR. OF DEV. SERVICES</u></p>
<p>7. PUBLIC HEARING: PROPOSED <i>GRANT-ALVERNON AREA PLAN</i> (BOUNDED BY SPEEDWAY BOULEVARD ON THE SOUTH, COUNTRY CLUB ROAD ON THE WEST, FORT LOWELL ROAD AND GRANT ROAD ON THE NORTH, AND COLUMBUS BOULEVARD AND SWAN ROAD ON THE EAST) – SEPT27-99-502</p> <p>RESOLUTION NO. 18396</p> <p>Council Member Scott MOVED, SECONDED by Council Member Ibarra, that Mayor and Council close the public hearing.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p> <p>7. PUBLIC HEARING: PROPOSED <i>GRANT-ALVERNON AREA PLAN</i></p>	<p><u>DIR. OF PLANNING</u></p>

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(BOUNDED BY SPEEDWAY BOULEVARD ON THE SOUTH, COUNTRY CLUB ROAD ON THE WEST, FORT LOWELL ROAD AND GRANT ROAD ON THE NORTH, AND COLUMBUS BOULEVARD AND SWAN ROAD ON THE EAST) – SEPT27-99-502 (CONTINUED)

Council Member Anderson MOVED, SECONDED by Council Member Ronstadt, that Mayor and Council pass and adopt Resolution No. 18396 with the following amendments:

1. change to policy # 1 on Page 22 so that it reads, “recognize the established P-1 Park Industrial Zone District located south of Ft. Lowell, between Richey and Palo Verde and allow expansion to the remainder of the block if appropriate design elements and buffering techniques are incorporated in the expansion to minimize impacts on adjacent residential uses encouraging the upgrading and sensitive development of this area”.
2. change to policy # 2 on Page 23 so that it reads “prohibit zoning changes to allow new primary industrial uses on land that is currently zoned for residential, office or commercial uses except where allowed by the conceptual land use map”.
3. Modify the conceptual land use map to reflect the two changes.

Council Member Ronstadt offered a friendly amendment to modify Page 21, policy #2, to add the following “support a special exception land use designation or if necessary consider rezoning of the site to commercial zoning to remove the non-conforming use status and to allow continued use of the site for “the gardens” and associated uses. Future application submittals should address the impacts of noise, hours of operation, and traffic impacts on adjacent residential uses. The following criteria should also be met”.

Amendment acceptable to the maker.

Motion, as amended, PASSED by a vote of 7 to 0.

8. PUBLIC HEARING: TUCSON CODE AMENDING (CHAPTER 23)

DIR. OF PLANNING

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

LAND USE CODE – RELATING TO LIMITATIONS ON LARGE  
SCALE RETAIL ESTABLISHMENTS (“BIG BOX/SUPERSTORES”)  
– SEPT27-99-503

ORDINANCE NO. 9293

Council Member Leal MOVED, SECONDED by Council Member  
Scott, that Mayor and Council close the public hearing.

Motion PASSED by a vote of 7 to 0.

Council Member Leal MOVED, SECONDED by Vice-Mayor Marcus,  
the Mayor and Council pass and adopt Ordinance No. 9293 (Option 3)  
with the following changes:

1. that in combination of retail with food and beverage sales that  
general merchandise in retail sales shall not be combined with  
food and beverage sales except where one of the land use classes  
consists of less than ten percent (10%) of the gross floor area –  
Section 3.5.9.7.A.13
2. changes to the Section 3.5.9.7.A. and 3.5.9.7.B. proposed by  
Mayor Miller as follows:
  - a. **Grocery area limited to 10% maximum of enclosed  
area** – ADDRESSES traffic increase issue and impact on  
small strip malls.
  - b. **Buffers** – REQUIRES a 200 foot setback from the  
neighboring residential use.
  - c. **Hazardous Materials Plan** – REQUIRES management  
plan and inventory of materials per Tucson City Fire  
Code.
  - d. **Section A, No. 5 Outdoor storage area - SCREENED**  
so as not visible from public street. Screening should be  
at least eight feet high of masonry construction.
  - e. **Section A, No. 6 Trash collection area** – NO TRASH  
may be removed between 4:00 p.m. and 9:00 a.m. during  
scheduled trash collection.

8. PUBLIC HEARING: TUCSON CODE AMENDING (CHAPTER 23)  
LAND USE CODE – RELATING TO LIMITATIONS ON LARGE



AGENDA ITEM /MAYOR AND COUNCIL ACTION

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SCALE RETAIL ESTABLISHMENTS ("BIG BOX/SUPERSTORES")  
– SEPT27-99-503 (CONTINUED)

- f. **Section A, No. 9 Noise abatement** – NO IDLING TRUCKS from 6:00 p.m. to 7:00 a.m.
- g. **Section A, No. 10 Traffic impacts** – A TRAFFIC IMPACT ANALYSIS to be done by the applicant using the Institute of Transportation Engineers. The City's Transportation Department will direct the scope and criteria of the study.
- h. **Section A, No. 11 Outdoor lighting requirements** – ADHERE to low-pressure sodium for any lighting between 10:00 p.m. and 7:00 a.m.
- i. **Section B, No. 6 Aesthetics:**
  - 1. Facades and Exterior Walls including sides and back will mitigate any negative view from adjacent properties and/or streets.
  - 2. Detail features will contribute to visual interest at the pedestrian scale and reduce massive effect through wall offsets, color, texture, etc.
  - 3. Roofs will complement the architectural and visual character of adjoining neighborhoods.
  - 4. Materials and color compatible with adjoining neighborhoods. Colors are low reflective, subtle, neutral, etc.
  - 5. Entryways aesthetically pleasing with clearly defined customer entrances.
  - 6. Screening and Mechanical Equipment be screened to mitigate noise and views.

3. All approvals of large retail projects are by Type III Legislative Procedure Special Exception.

4. The grandfather clause for past rezonings, specific plans and development plans to extend only five years before the effective date of this ordinance.

Council Member Leal also requested this ordinance be brought back in one year for review.

8. PUBLIC HEARING: TUCSON CODE AMENDING (CHAPTER 23)  
LAND USE CODE – RELATING TO LIMITATIONS ON LARGE

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

<p>SCALE RETAIL ESTABLISHMENTS (“BIG BOX/SUPERSTORES”) – SEPT27-99-503</p> <p>City Attorney, Tom Berning, requested the following technical amendment at Section 3.5.9.7. on Page 8 – end the second sentence at the word “section” and strike the words, “if permitted by the applicable zone in the RVC &amp; C-1 zones approval of a large scale retail establishment must be secured through a Type V administrative procedure.”</p> <p>All amendments acceptable to the maker and second.</p> <p>Motion, as amended, <u>PASSED</u> by a vote of 5 to 2 (Council Members Ronstadt and Scott dissenting).</p>	
<p>9. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES – SEPT27-99-483</p> <p>Council Member Leal MOVED, SECONDED by Vice-Mayor Marcus, that Mayor and Council appoint Ms. Kathleen Price to the Committee of Massage Examiners.</p> <p>Motion <u>PASSED</u> by a vote of 7 to 0.</p>	<p><u>CITY CLERK</u></p>
<p>10. CALL TO THE AUDIENCE, FOR PERSONS DESIRING TO SPEAK</p> <p>None.</p>	
<p>11. ADJOURNMENT: 9:44 P.M.</p> <p>The next regularly scheduled meeting of the Mayor and Council will be held on Monday, October 4, 1999 at 2:00 p.m. in the Mayor and Council Chambers, 255 West Alameda, Tucson, Arizona.</p>	