

MAYOR AND COUNCIL - REGULAR MEETING

ADMINISTRATIVE ACTION REPORT AND SUMMARY

SEPTEMBER 7, 2004

FROM: CITY MANAGER



1. ROLL CALL: 5:32 P.M.

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

ABSENT/EXCUSED: Vice-Mayor Fred Ronstadt

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 Reverend Gerry Nangel, Johrei Fellowship, after which the Pledge of Allegiance was presented by the entire assembly.

AGENDA ITEM/MAYOR AND COUNCIL ACTION	STAFF ACTION
<p>3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS – SEPT7-04-449</p> <ul style="list-style-type: none">a. Council Member Dunbar announced a First Annual Ward 3 Crime Prevention Block Party involving 5 neighborhoods.b. Council Member West announced the Ward 2 Fall Gazette is now available online, or you may stop by the Ward 2 Office and pick one up. On Wednesday, September 6, 2004 at 5:00 P.M. the student art mural will be unveiled at the Ward 2 Council Office, 7575 E. Speedway.c. Mayor Walkup announced that FEMA is looking for two Citizen Core Volunteers to travel to Florida for two weeks to aid with the clean up. Mayor Walkup also provided an update to Vice-Mayor Ronstadt's health; it appears he is suffering from a kidney stone.	

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS
SEPT7-04-448

City Manager, James Keene, introduced:

- a. Ron Lewis the new Director of General Services; and
- b. Fred Grey the new Director of Parks and Recreation.

Mr. Keene then announced:

- a. On Tuesday, September 14, there will be a groundbreaking ceremony for the Pennington Street Garage, which is the first City of Tucson design-build project, the first fully solar-powered building downtown and the first mixed-use retail project downtown.
- b. The musical "Movin Out" will begin its run at the Tucson Convention Center marking the first touring Broadway production to play in Tucson for a full week.
- c. The International Association of Police Chiefs has selected Tucson Community Policing program as a finalist in 2004; they are 9 of 135 applicants chosen as finalists. Also, the September issue of Law and Order Magazine has chosen the Tucson Police Department as Best Dressed Law Enforcement for police departments greater than 200.

5. LIQUOR LICENSE APPLICATIONS – SEPT7-04-445

PANTANO EXCHANGE CLUB, CITY # T059-04
ST. DEMETRIUS GREEK ORTHODOX CHURCH, CITY # T061-04
THE CHURCH OF ST. MICHAEL AND ALL ANGELS,
CITY # T063-04
COMITE DE FESTIVIDADES MEXICANAS, CITY # T064-04
TUCSON MUSEUM OF ART, CITY # T072-04

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

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused)

CITY CLERK

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

5. LIQUOR LICENSE APPLICATIONS – SEPT7-04-445 (Cont'd from previous page)

GRANT MINI MARKET, CITY # 042-04

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

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused)

OBREGON MARKET, CITY # 045-04

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 denial.

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused)

ALTRUSA INTERNATIONAL, INC. OF TUCSON, CITY # TO60-04

Council Member West 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 6 to 0 (Vice-Mayor Ronstadt absent/excused)

ST. MELANY BYZANTINE CATHOLIC CHURCH, CITY # T062-04

Council Member West 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 6 to 0 (Vice-Mayor Ronstadt absent/excused).

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

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

***** ITEMS “C”, “D”, “M”, “N”, “O”, “R” AND “V” WERE DELETED
FROM THE CONSENT AGENDA *****

- A. ASSURANCE AGREEMENT: (S03-016) BARRIO
 ESCALANTE SUBDIVISION LOTS 1 TO 46 AND COMMON
 AREAS “A”, “B”, “C” AND “D” – SEPT7-04-450

RESOLUTION NO. 19918

DIR. OF DEV.
SERVICES

- B. FINAL PLAT: (S03-016) BARRIO ESCALANTE
 SUBDIVISION LOTS 1 TO 46 AND COMMON AREAS “A”,
 “B”, “C” AND “D” – SEPT7-04-446

DIR. OF DEV.
SERVICES

- E. AGREEMENT: AMENDMENT TO THE LICENSE
 AGREEMENT WITH LEVEL 3 COMMUNICATIONS, LLC –
 SEPT7-04-454

ORDINANCE NO. 10024

DIR. OF INFO
TECHNOLOGY

- F. REAL PROPERTY: ACQUISITION OF PROPERTY FOR A
 POTABLE WATER SUPPLY WELL NEAR WILMOT ROAD
 AND SOUTH OF INTERSTATE 10 – SEPT7-04-453

RESOLUTION NO. 19919

DIR. OF WATER

- G. REAL PROPERTY: APPROVING A LEASE AGREEMENT
 WITH THE FEDERAL AVIATION ADMINISTRATION FOR A
 PORTION OF WILMOT ROAD RIGHT OF WAY – SEPT7-04-
 462

ORDINANCE NO. 10025

DIR. OF GENERAL
SERVICES

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

<p>H. REAL PROPERTY: EXCHANGE OF CITY OWNED REAL PROPERTY WITH PIMA COUNTY AT JAMES THOMAS PARK – SEPT7-04-461</p> <p>ORDINANCE NO. 10026</p>	<p><u>DIR. OF GENERAL SERVICES</u></p>
<p>I. AGREEMENT: BETWEEN FRY FIRE DISTRICT, OTHER QUALIFIED AGENCIES, AND TUCSON FIRE DEPARTMENT TO PROVIDE CLINICAL FIELD EDUCATION – SEPT7-04-459</p> <p>RESOLUTION NO. 19920</p>	<p><u>FIRE CHIEF</u></p>
<p>J. INTERGOVERNMENTAL AGREEMENT: WITH ORO VALLEY FOR SUN TRAN FIXED-ROUTE SERVICE AND ADA PARATRANSIT CERTIFICATIONS – SEPT7-04-464</p> <p>RESOLUTION NO. 19921</p>	<p><u>DIR. OF TRANS</u></p>
<p>K. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE PROVISION OF FIXED-ROUTE TRANSIT SERVICE (SUN TRAN), ADA PARATRANSIT SERVICES (VAN TRAN), ADA PARATRANSIT CERTIFICATION, LOW FARE CERTIFICATION AND VOUCHER SALES – SEPT7-04-465</p> <p>RESOLUTION NO. 19922</p>	<p><u>DIR. OF TRANS</u></p>
<p>L. REAL PROPERTY: SALE OF SURPLUS PROPERTY LOCATED IN LA ENTRADA PLANNED AREA DEVELOPMENT TO RELIANCE COMMERCIAL CONSTRUCTION DBA PRESIDIO TERRACE LIMITED LIABILITY CORPORATION – SEPT7-04-458</p> <p>ORDINANCE NO. 10031</p>	<p><u>DIR. OF COMM. SERVICES</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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<p>P. REAL PROPERTY: CONVEYANCE OF SURPLUS CITY PROPERTY AT 629 WEST MABEL TO CHICANOS POR LA CAUSA – SEPT7-04-472</p> <p>ORDINANCE NO. 10033</p>	<p><u>DIR. OF COMM. SERVICES</u></p>
<p>Q. REAL PROPERTY: DEDICATION OF CERTAIN PORTIONS OF CITY-OWNED PROPERTY AS RIGHTS-OF-WAY – SEPT7-04-474</p> <p>ORDINANCE NO. 10032</p>	<p><u>DIR. OF GENERAL SERVICES</u></p>
<p>S. REAL PROPERTY: LEASE AGREEMENT WITH ARTFARE.ORG FOR PROGRAM SPACE AT THE MUSE COMMUNITY ARTS CENTER – SEPT7-04-477</p> <p>ORDINANCE NO. 10034</p>	<p><u>DIR. OF GENERAL SERVICES</u></p>
<p>T. AGREEMENTS: WITH MUNICIPAL FIRE DEPARTMENTS AND FIRE DISTRICTS WITHIN PIMA COUNTY FOR MUTUAL AID RESPONSE TO EMERGENCY AND HAZARDOUS MATERIALS INCIDENTS – SEPT7-04-460</p> <p>RESOLUTION NO. 19930</p>	<p><u>FIRE CHIEF</u></p>
<p>U. RIO NUEVO: AGREEMENT WITH THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT, CONGRESS STREET INVESTORS, LLC AND THE CONGRESS STREET HISTORIC THEATRES FOUNDATION FOR THE PURCHASE, RESTORATION AND OPERATION OF THE RIALTO THEATRE – SEPT7-04-452</p> <p>RESOLUTION NO. 19931</p>	<p><u>RIO NUEVO</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

<p>Council Member West MOVED, SECONDED by Council Member Leal that items on the Consent Agenda (Except “C”, “D”, “M”, “N”, “O”, “R” and “V”) be approved and/or adopted and proper action taken.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused).</p>	
<p>C. FINAL PLAT: (S03-008) KLETETCHKA CONDOMINIUMS SUBDIVISION UNITS 1 TO 8 AND COMMON AREAS “A” AND “B” – SEPT7-04-447</p> <p>This item has been continued at the request of the applicant.</p>	<p><u>DIR. OF DEV.</u> <u>SERVICES</u> <u>AGENDA COMMITTEE</u></p>
<p>D. FINAL PLAT: (S03-037) COLINAS DE ORO PHASE II SUBDIVISION LOTS 139 TO 147 AND COMMON AREAS “A” AND “B” – SEPT7-04-451</p> <p>Council Member Ibarra MOVED, SECONDED by Council Member Leal to pass and adopt Consent Agenda Item “D”.</p> <p>Motion <u>PASSED</u> by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused).</p>	<p><u>DIR. OF DEV.</u> <u>SERVICES</u></p>

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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- M. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT:
WITH O.T. ADOBE L.L.C. – SEPT7-04-471

RESOLUTION NO. 19923

- N. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT:
WITH FIDELITY NATIONAL TITLE AGENCY, INC. – SEPT7-
04-475

RESOLUTION NO. 19929

- O. PRE-ANNEXATION AND DEVELOPMENT AGREEMENTS:
WITH THE NEW TUCSON UNIT 2 HOMEOWNERS
ASSOCIATION, INC., NEW TUCSON UNIT 5
HOMEOWNERS' ASSOCIATION, INC., AND NEW TUCSON
UNIT 8 HOMEOWNERS' ASSOCIATION, INC. – SEPT7-04-
473

RESOLUTION NO. 19926
RESOLUTION NO. 19927
RESOLUTION NO. 19928

These items have been continued to the meeting of September 13,
2004 per the direction given at the Study Session – Item # 1.

DIR. OF URBAN
PLANNING

- R. AGREEMENT: WITH THE PIMA COUNTY FLOOD
CONTROL DISTRICT AND THE US ARMY CORPS OF
ENGINEERS FOR THE EL RIO MEDIO FEASIBILITY STUDY
OF THE SANTA CRUZ RIVER (CONT'D FROM MEETING
OF AUGUST 2, 2004) – SEPT7-04-467

RESOLUTION NO. 19916

This item has been continued at the request of staff.

URBAN PLANNING
AGENDA COMMITTEE

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

- V. INTERGOVERNMENTAL AGREEMENTS: WITH PIMA COUNTY FOR BOND FUNDED IMPROVEMENTS FOR THE KINO PARKWAY OVERPASS AT 22ND STREET AND BROADWAY BOULEVARD FROM EUCLID AVENUE TO CAMPBELL AVENUE – SEPT7-04-479

RESOLUTION NO. 19932

Council Member Leal MOVED, SECONDED by Council Member Scott to continue this item 2 or 3 weeks.

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused).

DIR. OF TRANS
AGENDA COMMITTEE

7. CALL TO THE AUDIENCE

- a. Michael Toney submitted a petition to the Mayor and Council requesting an investigation of the University of Arizona's selection of an architect for the Science Center.
- b. Bill Katzel provided the Mayor and Council with an update to the Platinum Challenge.
- c. Patty Kuvich addressed the Mayor and Council in opposition to Corona de Tucson being annexed into the City.
- d. Roger Meeker addressed the Mayor and Council in opposition to Corona de Tucson being annexed into the City.
- e. Renee (inaudible) addressed the Mayor and Council in opposition to Corona de Tucson being annexed into the City.
- f. Doralina Martinez addressed the Mayor and Council with concerns regarding the impact the Modifications to the International Building Codes (Item # 8) could have on home daycare providers.
- g. Bob Olfast addressed the Mayor and Council in opposition to Corona de Tucson being annexed into the City.
- h. Steve Folver addressed the Mayor and Council in opposition to Corona de Tucson being annexed into the City.
- i. Shirley Stewart addressed the Mayor and Council in opposition to Corona de Tucson being annexed into the City.
- j. Sean Smith addressed the Mayor and Council in opposition to Corona de Tucson being annexed into the City.

CITY ATTORNEY
is responsible
RIO NUEVO is informed

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

7. CALL TO THE AUDIENCE (Cont'd from previous page)

- k. Anthony Hollers addressed the Mayor and Council in opposition to rezoning case C9-04-18 (Southwest Value Partners) – Item # 10.
- l. Jeff Bleecker addressed the Mayor and Council in opposition to rezoning case C9-94-18 (Southwest Value Partners) – Item # 10.
- m. Yolanda Herrera addressed the Mayor and Council in support of rezoning case C9-94-18 (Southwest Value Partners) – Item # 10.

8. PUBLIC HEARING: TUCSON CODE AMENDING (CHAPTER 6)
ADOPTION OF THE 2003 INTERNATIONAL BUILDING AND
RESIDENTIAL CODES WITH LOCAL MODIFICATIONS – SEPT7-
04-476

ORDINANCE NO. 10035

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

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt
absent/excused).

Council Member Scott MOVED, SECONDED by Council Member Leal to
adopt the 2003 editions of the International Residential Code and the
International Building Code with local modifications and pass and adopt
Ordinance No. 10035.

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt
absent/excused).

FIRE CHIEF

9. PUBLIC HEARING: TUCSON CODE AMENDING (CHAPTER 13),
ADOPTION OF THE 2003 INTERNATIONAL FIRE CODE WITH
LOCAL MODIFICATIONS – SEPT7-04-478

ORDINANCE NO. 10036

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

FIRE CHIEF

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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9. PUBLIC HEARING: TUCSON CODE AMENDING (CHAPTER 13), ADOPTION OF THE 2003 INTERNATIONAL FIRE CODE WITH LOCAL MODIFICATIONS – SEPT7-04-478 (Cont'd from previous page)

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused).

Council Member Leal MOVED, SECONDED by Council Member Scott to adopt the International Fire Code and pass and adopt Ordinance No. 10036.

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused).

10. ZONING: (C9-94-18) SOUTHWEST VALUE PARTNERS – TUCSON BOULEVARD R-1 TO P-1 AND I-1, ORDINANCE ADOPTION – REPEAL OF ZONING ORDINANCE – SEPT7-04-466

ORDINANCE NO. 10029

Council Member Leal MOVED, SECONDED by Council Member Scott to approve the request for rezoning in Case C9-94-18, Southwest Value Partners – Tucson Boulevard and pass and adopt Ordinance No. 10029.

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused).

DIR. OF DEV.
SERVICES

11. ZONING: (C9-03-11) DAVERN – SILVERBELL ROAD SR TO R-1, ORDINANCE ADOPTION – SEPT7-04-468

ORDINANCE NO. 10028

Council Member Ibarra MOVED, SECONDED by Council Member West to approve the request for rezoning in Case C9-03-11, Davern – Silverbell Road and pass and adopt Ordinance No. 10028.

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused).

DIR. OF DEV.
SERVICES

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

12. ZONING: (C9-04-08) MONTEREY HOMES – BONANZA AVENUE, SR TO R-1, CITY MANAGER’S REPORT – SEPT7-04-455

Council Member West MOVED, SECONDED by Council Member Dunbar to approve the request for rezoning as recommended by the Zoning Examiner.

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused).

DIR. OF DEV.
SERVICES

13. ZONING: (C9-03-20) BRAKE MAX – SWAN ROAD, C-1 TO C-2, ORDINANCE ADOPTION – SEPT7-04-463

ORDINANCE NO. 10027

Council Member West MOVED, SECONDED by Council Member Ibarra to approve the request for rezoning in Case C9-03-20, Brake Max – Swan Road and pass and adopt Ordinance No. 10027.

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused).

DIR. OF DEV.
SERVICES

14. ZONING: (C9-04-10) D.R. HORTON – WILMOT ROAD, SH/C-2 TO R-2, CITY MANAGER’S REPORT – SEPT7-04-469

Council Member Scott MOVED, SECONDED by Council Member Leal to approve the request for rezoning as recommended by the Zoning Examiner.

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused).

DIR. OF DEV.
SERVICES

AGENDA ITEM /MAYOR AND COUNCIL ACTION

STAFF ACTION

15. ZONING: (C9-00-34) HUNSBERGER – ROGER ROAD MH-1 TO C-2, ORDINANCE ADOPTION – SEPT7-04-457

ORDINANCE NO. 10030

Council Member Dunbar MOVED, SECONDED by Council Member Scott to approve the request for rezoning in Case C9-00-34, Hunsberger – Roger Road and pass and adopt Ordinance No. 10030.

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused).

DIR. OF DEV.
SERVICES

16. INTERGOVERNMENTAL AGREEMENT: WITH THE VAIL SCHOOL DISTRICT FOR ACQUISITION OF RIGHT OF WAY FOR THE CIENEGA ROAD IMPROVEMENT PROJECT – SEPT7-04-470

RESOLUTION NO. 19924

RESOLUTION NO. 19925

Council Member Scott MOVED, SECONDED by Council Member Leal to pass and adopt Resolution No. 19924.

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused).

Council Member Scott MOVED, SECONDED by Council Member Leal to pass and adopt Resolution No. 19925.

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt absent/excused).

URBAN PLANNING

AGENDA ITEM /MAYOR AND COUNCIL ACTION

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17. APPOINTMENTS TO BOARDS, COMMISSIONS AND
COMMITTEES – SEPT7-04-456

Council Member West MOVED, SECONDED by Council Member Leal to:

reappoint George H. McFerron to the Commission on Disability Issues;

appoint Fletcher R. Sliker (Hotels, Resorts and Restaurants) to the Sign
Code Advisory and Appeals Board; and

appoint Jan Aalberts to the Small Business Commission.

Motion PASSED by a vote of 6 to 0 (Vice-Mayor Ronstadt
absent/excused).

Council Member Leal announced his personal appointments of Frank
Moreno to the Stormwater Advisory Committee, Nancy Montoya to the
Minority and Women's Business Enterprise Commission, and Doris Foster to
the Environmental Services Advisory Committee.

Council Member Dunbar announced her personal appointment of James
Kaucher to the Planning Commission.

CITY CLERK

18. ADJOURNMENT: 7:26 P.M.

The next regularly scheduled meeting of the Mayor and Council will be held
on Monday, September 13, 2004, at 5:30 p.m. in the Mayor and Council
Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.