



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

**MONDAY, MAY 12, 2003 – 7:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Bishop Thomas W. Nelson, The Church of Jesus Christ of Latter-Day Saints

PLEDGE OF ALLEGIANCE – Led by Cub Scout Troop 359

PRESENTATIONS

- (a) Proclaiming April 5 to June 1 as Safety Awareness Family Education (S.A.F.E.) Days
- (b) Recognition of George Yslave for receipt of the "Youth of the Year Award – Arizona Boys and Girls Club"
- (c) Presentation by Ward 3 of Community Emergency Response Training certificates

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager MAY12-03-284 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager MAY12-03-285 CITY-WIDE

5. CALL TO THE AUDIENCE:

At this time, any member of the public is allowed to address the Mayor and City Council on any issue *not listed on today's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

6. CONSENT AGENDA – ITEMS A THROUGH F

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent agenda and will be considered separately.

7. LIQUOR LICENSE APPLICATIONS

- (a) Report from City Manager MAY12-03-280 CITY-WIDE
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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| (1) WILD WINGS 3007 E. Speedway Applicant: Richard C. Smith City #020-03, located in Ward 6 Series #12 Action must be taken by: May 24, 2003 | <u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance |
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NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

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| <p>(2) CITY LIMITS 6350 E. Tanque Verde Road Applicant: Bradley J. Nozicka City #021-03, located in Ward 2 Series #6 Action must be taken by: May 25, 2003 Public Opinion: Support Letter Filed</p> | <p><u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance</p> |
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NOTE: For a person to person transfer Mayor and Council may consider the applicant's capability, qualifications and reliability.

(c) Special Event(s)

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| <p>(1) RONALD MCDONALD HOUSE CHARITIES 221 E. Wetmore Road, Funtasticks Applicant: Diana G. Sheldon City #T041-03, located in Ward 3 Date of Event: May 31, 2003 (To raise money for programs of charity)</p> | <p><u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance</p> |
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| <p>(2) ROADRUNNER CIVITAN CLUB 4823 S. 6th Avenue, Tucson Rodeo Grounds Applicant: Diana M. Williams City #T042-03, located in Ward 5 Date of Event: May 17, 2003 (To raise funds for school supplies for homeless women and children)</p> | <p><u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Parks & Rec.: In Compliance</p> |
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| <p>(3) SANTA RITA EXCHANGE CLUB 4823 S. 6th Avenue, Tucson Rodeo Grounds Applicant: Richard D. Medran City #T043-03, located in Ward 5 Date of Event: May 24, 2003 (KLPX Fest 2 concert / fundraiser)</p> | <p><u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Parks & Rec.: In Compliance</p> |
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(d) Extension of Premises

- (1) SHARKY'S URBAN SPORTS GRILL, Staff Recommendation
INC., DBA - FAT TUESDAY
800 E. University Blvd. Police: In Compliance
Applicant: S. Jerome Stuart DSD: In Compliance
City #EP18-03, located in Ward 6
Date of Event: June 1, 2003
Type: Temporary
Series: #12
(Celebration of Grand Opening in conjunction
with the New Orleans Jazz and Heritage Festival)

8. SOLID WASTE MANAGEMENT: PROPOSED REFUSE COLLECTION RATES AND MISCELLANEOUS REFUSE FEES

- (a) Report from City Manager MAY12-03-293 CITY-WIDE
- (b) Resolution No. 19590 relating to solid waste management; pursuant to Tucson Code Section 15-31.1, authorizing and approving the director of solid waste management's proposed requirements, charges, and fees for the city's collection, recycling, and disposal of refuse, and ancillary services, during Fiscal Year 2003-2004, to take effect July 1, 2003; and declaring an emergency.

The City Manager recommends that the Mayor and Council adopt the resolution to become effective July 1, 2003.

9. SOLID WASTE MANAGEMENT: AUTHORIZING THE "TUCSON CLEAN PROGRAM" AND APPROVING THE SOLID WASTE COLLECTION SERVICES RULES AND PROCEDURES

- (a) Report from City Manager MAY12-03-294 CITY-WIDE
- (b) Resolution No. 19591 relating to Solid Waste Management; authorizing and approving the "Rules, Procedures and Regulations for Solid Waste Management Department Services 2003-2004," to take effect July 1, 2003; and declaring an emergency.

The City Manager recommends that the Mayor and Council adopt the resolution to become effective July 1, 2003.

10. DEVELOPMENT SERVICES: AMENDING DEVELOPMENT SERVICES FEES FOR CODES AND PERMITS

- (a) Report from City Manager MAY12-03-291 CITY-WIDE

- (b) Ordinance No. 9848 relating to fees for building and development; amending fees charged by the Development Services Department for development review, code review and permits; and declaring an emergency.

The City Manager recommends that the Mayor and Council adopt the ordinance. If approved these fees would go into effect July 1, 2003.

11. WATER: ADOPTION OF WATER SYSTEM EQUITY FEE (CONTINUED FROM MEETING OF MAY 5, 2003)

- (a) Report from City Manager MAY12-03-292 CITY-WIDE & OUTSIDE CITY
- (b) Ordinance No. 9842 relating to water; amending certain portions of the Tucson Code, Chapter 27, Article II, rates and charges, Section 27-32.1, monthly reclaimed water service charges, Section 27-33, monthly potable water service charges, Section 27-35, charges for installation of water service connections, Section 27-36, area-specific water development fee, Section 27-37, agreements for construction of water facilities authorized, Section 27-38, provisions for refund of cost of water mains or water facilities installed by private contract under certain conditions authorized, Section 27-43, charge when meter not registering properly; and declaring an emergency.

The City Manager recommends that the Mayor and Council adopt the proposed Water System Equity fee. If adopted, the fee will become effective August 11, 2003.

12. ZONING: (C9-03-01) WPI KOLB AND I-10 LLC – KOLB ROAD, RX-1 TO R-1, CITY MANAGERS REPORT

- (a) Report from City Manager MAY12-03-282 W4
- (b) Zoning Examiner's Report dated April 25, 2003
- (c) Request to rezone approximately 224 acres from RX-1 (Suburban Low Density Residential) to R-1 (Low Density Residential) zoning. The rezoning site is located on the south side of Voyager Road, between the Kolb and Pantano Road alignments. Applicant: Michael Marks of MJM Consulting Inc. on behalf of the property owner, Mark Weinberg of WPI Kolb & I-10 LLC.

The Zoning Examiner recommends approval of R-1 zoning. The City Manager recommends approval of R-1 zoning subject to the following conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated March 28, 2003, including the right of way cross sections, the Design Compatibility Report, and the Environmental Resource

Report, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.

2. Phasing of roadway and drainage improvements shall be as follows:
 - a. Prior to closing of any residential units within Villages 1 or 2, construction of Voyager Road improvements shall be completed.
 - b. Prior to closing of any residential units within Villages 1 through 3, construction of Kolb Road improvements shall be completed. For that portion of the improvements to Kolb Road for which an in lieu fee is permitted, the fee shall be paid prior to closing of 401st residential unit.
 - c. Prior to closing of any residential units within Villages 4, through 7, construction of Pantano Road improvements shall be completed.
 - d. Changes to the above phasing scenario shall require the approval of the Department of Transportation.
3. Phasing of recreation site improvements shall be as follows:
 - a. Fifty (50) percent of the park amenities within Recreational Site 1 shall be completed prior to closing on the 201st residential unit. The remainder of the park amenities within Recreational Site 1 shall be completed prior to closing on the 401st residential unit.
 - b. Recreational Site 2 shall be completed prior to final release of assurances for Village 1.
 - c. Recreational Site 3 shall be completed prior to final release of assurances for Villages 5 and 6.
 - d. Recreational Site 4 shall be completed prior to final release of assurances for Village 3 and 4.
 - e. Changes to the above phasing scenario shall require the approval of the Comprehensive Planning Task Force.
4. Seventy-five (75) feet of right-of-way shall be dedicated along Kolb Road.
5. Forty-five (45) feet of right-of-way shall be dedicated along Pantano and Voyager Roads.
6. Thirty (30) foot radius spandrels shall be dedicated at all perimeter street intersections and at all access points to perimeter streets.

7. The owner/developer shall construct the east half of a 100-year storm capacity reinforced concrete box culvert, or precast reinforced pipe(s), or other equivalent alternative as approved by the Tucson Department of Transportation on Kolb Road along the frontage of the subject property at the North Fork Airport Wash Tributary. In addition the owner/developer shall construct the east half of a six (6) lane divided roadway as described in condition #9 below, along the Kolb Road frontage of the subject property from the spine road to the south property line. In lieu of the above, the owner/developer may provide a contribution in the amount of \$260,187.50 to the Tucson Department of Transportation for use towards above improvements.
8. The owner/developer shall construct the west half of a 100-year storm capacity reinforced concrete box culvert, or precast reinforced pipe(s), or other equivalent alternative as approved by the Tucson Department of Transportation, shall be installed on Pantano Road at the North Fork Airport Wash.
9. The owner/developer shall construct the east half of a six (6) lane divided roadway along the Kolb Road frontage of the site from Voyager Road to the spine road, including the intersection with the spine road. Improvements shall include half a twenty foot wide median, forty-one (41) feet of pavement, the east curb, six (6) foot wide sidewalk, and striping as required by the Tucson Department of Transportation to provide two-way traffic.
10. The owner/developer shall construct the south curb, six (6) foot wide sidewalk, thirty-four (34) feet of pavement, and striping as required by the Tucson Department of Transportation, half of a five (5) lane cross section including along the entire Voyager Road frontage of the site. The south curb shall be located as required by the Tucson Department of Transportation. The existing pavement within Voyager Road may be incorporated into the new improvements subject to the location of the south curb, which shall be located fifteen (15) feet from the north property line of the rezoning site.
11. The owner/developer shall construct the west curb, six (6) foot wide sidewalk, thirty-four (34) feet of pavement, and striping as required by the Tucson Department of Transportation along the entire Pantano Road frontage of the rezoning site. The west curb shall be placed per the four-lane divided cross section in the *Major Streets and Routes Plan* or as approved the Tucson Department of Transportation. Median curb is not required if approved by the Tucson Department of Transportation.
12. The owner/developer shall stripe five (5) foot wide bike lanes on both sides of Voyager, Pantano and Kolb Roads adjacent to the rezoning site.

13. A westbound left turn lane shall be provided on Voyager Road at Kolb Road.
14. Roadway improvements shall include the installation of appropriate transitions beyond the limits of the site and shall include installation of, or verification of existence of, interim paving on Pantano Road between the northern limits of the site and Voyager Road.
15. Streets within the rezoning site shall be classified as either “spine roads,” “connector roads,” or “residential access streets.” The location of spine roads and connector roads shall be shown on the tentative plat. No direct access to residential lots is permitted from spine roads or connector roads. All other interior roads shall be residential access streets. All access to residential lots shall be from residential access streets.
16. All residential access street cross-sections shall include parking on both sides of the street, and a six (6) foot wide sidewalk on both sides of the street when adjacent to a wedge curb. A five (5) foot wide sidewalk on both sides of the street may be substituted when adjacent to a vertical curb.
17. All spine road cross-sections shall provide bike lanes and five (5) foot wide meandering sidewalks on both sides of the street. Parking shall not be permitted on spine roads. A typical detail for meandering sidewalks shall be provided on the tentative plat and/or landscape plan. The sidewalk design shall link at appropriate locations with street intersections and crosswalks, as approved by the City of Tucson Department of Transportation.
18. A minimum ten (10) foot wide landscape border is required on Kolb Road, Voyager Road, Pantano Road. A maximum of five (5) feet of the landscape border may be placed in the right of way subject to approval by the Tucson Department of Transportation. The landscape plan submitted with the tentative plat for review by the Community Design Review Committee (CDRC) shall identify all plant materials within the landscape borders in the rights-of-way. Typical details for landscape borders shall be provided for Kolb Road, Voyager Road, Pantano Road, and spine roads on the tentative plat/landscape plan.
19. The required streetscape landscaping on residential access streets shall include trees located within the adjacent residential lots a maximum of 16 feet from the back of curb, at an interval of one tree every-other lot. A typical detail for street trees on residential access streets shall be provided on the tentative plat/landscape plan.
20. The site design shall include a primary access point onto Kolb Road, and three secondary access points, one onto Voyager Road, and two onto Pantano Road.

21. The site design shall include an access stub-out abutting the adjacent Voyager RV Resort expansion site to support potential future connectivity with that development with the future developer's consent.
22. A traffic impact analysis (TIA) is required. The study horizon should include both the opening year of the development and five years after opening. The study area shall include the intersection of Kolb Road with Interstate 10. Necessary improvements identified in the TIA shall be implemented as part of this development.
23. Recreational Site #1 shall include passive and active recreational amenities, including playgrounds, outdoor sports fields, basketball courts, and ramadas with picnic tables and barbecue pits. Recreational Site #1 shall abut a local street along its full perimeter, with parking on both sides of the street.
24. Recreational Sites 2, 3, & 4 shall be strategically located within the overall site to provide equal recreational amenities among the villages.
25. Each of the four recreational sites shall include a "tot lot." Each "tot lot" shall include a multifunctional play structure and soft surface play area, as approved by the Department of Parks and Recreation and the Comprehensive Planning Task Force.
26. To create a community amenity, basins shall have natural appearing, undulating, contoured side slopes. Engineered, geometrical, straight-sided basin shapes, sides and bottoms, shall be discouraged unless appropriate and integral to the design of the basin to incorporate recreational uses.
27. Each detention/retention basin shall be located adjacent to and visible from a street or accessible common area. Basin side slopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
28. Each detention/retention basin shall include a sediment trap, or other sediment control measure as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
29. Each basin shall have a low-flow channel to prevent ponding of nuisance water. The basin floor shall be graded to drain either toward the low-flow channel or the outlet structure.

30. Each detention/retention basin shall function as a visual amenity. Within each basin, vegetation shall be provided for passive recreational facilities. The vegetation palette shall provide plant materials of various colors. Existing significant mature vegetation along the perimeter of basins shall be preserved.
31. Vegetation shall be used as screening and/or to provide access control for a minimum of ten percent of the basin perimeter.
32. Access control and screening measures shall meet Safe By Design guidelines.
33. The owner/developer shall dedicate an easement over the 100-year floodplain limits of the North Fork Airport Wash Tributary from Kolb Road to Pantano Road as a natural landscape and public access easement, and design and construct a public path within the easement. The path may be located within the 100 year floodplain if it can be constructed in compliance with the Environmental Resource Zone (ERZ) without variance.

The path shall be a minimum of eight (8) foot wide asphalt, lime treated AB, or similar hard surface path. The path shall meander and be sensitively located to minimize disturbance of existing plant materials. The path shall be setback a minimum of 20 feet from the back wall of adjacent residential lots. The location of the paths shall be provided on a survey stamped by a registered professional land surveyor. In areas where the path is located outside the 100-year floodplain, native landscaping including one canopy tree for every 33 linear feet of corridor shall be provided. All new plantings shall be native species and irrigated with drip irrigation until established. The path shall be privately maintained.

34. The pedestrian corridor which links Villages 3 through 7 with natural open space and functional open space shall be a minimum of 30 feet wide over 90 percent of its length. The 30 foot minimum width may be reduced as needed within ten (10) percent of the length of the pedestrian corridor to a minimum width of no less than 20 feet. The pedestrian corridor shall include a minimum of five (5) feet of landscaping on each side of the path with a minimum of one canopy tree for every 25 linear feet, and a minimum ten (10) foot wide asphalt or similar hard surface path.
35. Pedestrian links providing connections between local streets, the pedestrian corridor, functional open space, and natural open space shall be a minimum of twenty (20) feet wide. These connections shall include a minimum of five (5) feet of landscaping on each side of the path with a minimum of one canopy tree for every 33 linear feet, and a minimum ten (10) foot wide asphalt or similar hard surface path.

36. A minimum ten (10) foot wide, lime treated AB or similar hard surface path shall be provided across the North Fork Airport Wash. The path shall utilize the disturbed area of the sewer easement crossing the wash in the northeast corner of the rezoning site to the greatest practical extent.
37. A minimum of five (5) pedestrian access points shall be provided from the subdivision to the path along the North Fork Airport Wash Tributary, located along the south property boundary. Marked and signed crosswalks shall be provided at pedestrian access points requiring pedestrian access across street rights-of-way to reach wash areas.
38. All pedestrian paths within recreational, open space, and natural space areas shall connect to the on-site pedestrian circulation system.
39. The specific design of the public trail and natural landscape corridor along the North Fork Airport Wash Tributary, the pedestrian corridor, and other pedestrian links, shall be reviewed and approved by the Tucson Parks and Recreation Department.
40. Temporary fencing shall be placed between the project site and 100-year floodplain of the North Fork Airport Wash and the North Fork Airport Tributary.
41. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, (f) wrought iron pickets, or (g) a combination of the above materials.
42. A minimum of 50 percent of the screen walls adjacent to the North Fork Airport Wash Tributary shall be designed as “view walls.” View walls shall be a minimum of 80 percent open and shall be constructed of wrought iron or other similar attractive open fencing material.
43. Any wall along Kolb Road, Voyager Road, Pantano Road, or the spine roads within the development, shall vary the wall alignment (jog, curve, notch, or setback, etc.).
44. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will

cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.

45. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
46. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
47. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Zero written approvals and zero written protests have been received.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

13. REAL PROPERTY: ACQUISITION OF PROPERTY AT 1310 W. MIRACLE MILE FOR A TUCSON POLICE DEPARTMENT SUBSTATION

- (a) Report from City Manager MAY12-03-276 W3
- (b) Resolution No. 19589 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary, certain real property for the Northwest Tucson Police Department Substation; and declaring an emergency.

The City Manager recommends that the Mayor and Council adopt the resolution as presented.

14. PUBLIC HEARING: TUCSON CODE (CHAPTER 19) AMENDING THE MODEL CITY TAX CODE

- (a) Report from City Manager MAY12-03-279 CITY-WIDE
- (b) Hearing on the proposed 2002 Model City Tax Code changes approved by the Municipal Tax Code Commission on November 8, 2002.
- (c) Ordinance No. 9841 relating to the Privilege License Tax; adopting the 2002 amendments to the Model Tax Code as part of the Tucson Code; establishing an effective date; providing for severability; providing penalties for violations; and declaring an emergency.

The City Manager recommends the Mayor and Council approve the ordinance to become effective June 1, 2003.

15. PUBLIC HEARING: TUCSON CODE (CHAPTER 23) AMENDING THE *LAND USE CODE* RELATING TO SALVAGING AND RECYCLING

- (a) Report from City Manager MAY12-03-283 CITY-WIDE
- (b) Hearing on a proposed amendment to the *Land Use Code (LUC)* adding provisions for household goods donation centers to that portion of the LUC regulating salvaging and recycling uses
- (c) Ordinance No. 9843 relating to planning and zoning; amending the Tucson Code, Chapter 23, *Land Use Code*, Article II, zones, Division 2, rural residential zones, Division 3, urban residential zones, Division 4, office zones, Division 5, commercial zones, Division 6, mixed use zones, Division 7, industrial zones, Division 8, overlay zones; Article III, development regulations, Division 3, motor vehicle and bicycle parking requirements, Division 5, performance criteria; Article VI, definitions, Division 2, listing of words and terms, Division 3, land use groups; and setting an effective date.

The City Manager recommends that the Mayor and Council adopt the ordinance as recommended by the Planning Commission.

16. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager MAY12-03-277 CITY-WIDE

17. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on *any issue*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

18. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, May 19, 2003, at 2:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.