



# MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

## WELCOME!

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire city staff, does it.

## REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet at 2:00 p.m. on the first and third Mondays of the month, and at 7:30 p.m. on the second and fourth Mondays of the month.

Copies of the agenda are available during the meeting. Additionally, the agenda as well as reference documents and proposed ordinances and resolutions are available in the City Clerk's office prior to each meeting.

To better serve everyone in the community, the chambers is wheelchair accessible, an assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office by parties at least two (2) working days in advance of the scheduled meeting and can be made by calling 791-4213 or 791-2639 (TDD).

Ordinances and resolutions, the laws of Tucson, are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council, take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

## PARTICIPATION BY THE PUBLIC

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk. Please turn off or put in vibrate mode all communication devices (pagers/cell phones).

The Mayor and Council often schedule public hearings on topics of interest. Pursuant to Mayor and Council Rules and Regulations, public hearings last one hour. Interested persons are invited to attend and offer comments. Additionally, Call to the Audience is reserved for comments from the public.

To address the Mayor and Council:

- Complete a speakers card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding into your subject matter. Speakers are limited to five-minute presentations.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700. Your comments will be transcribed and distributed to the Mayor and Council.

**Robert E. Walkup**  
Mayor

**Shirley C. Scott**  
Vice Mayor

**Council Members**

**José J. Ibarra**  
Ward 1

**Carol W. West**  
Ward 2

**Kathleen Dunbar**  
Ward 3

**Shirley C. Scott**  
Ward 4

**Steve Leal**  
Ward 5

**Fred Ronstadt**  
Ward 6

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TT: 791-2639, FAX: 791-4017 or WEB SITE: <http://www.ci.tucson.az.us/clerks>), 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday thru Friday, 8 a.m. to 5 p.m. [holidays excepted]. Live coverage of meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:

Tuesdays	9:00 p.m.
Wednesdays	9:00 a.m.
Sundays	9:00 a.m.

(VHS) tapes of meetings are available at the Tucson Main Library.



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## REGULAR MEETING

MONDAY, SEPTEMBER 8, 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 – Minister Nathan P. Randolph, Ina Road Church of Christ

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

PRESENTATION

- (a) Presentation to City Magistrate Michael Lex and Betsy Conroy, Human Resources Department, for recognition of their contributions to the City of Tucson *Foundations for Leadership* program

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager SEPT8-03-483 CITY-WIDE

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

- (a) Report from City Manager SEPT8-03-482 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 tonight'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 E**

**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 SEPT8-03-474 CITY-WIDE
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

- |     |   |   |
|-----|---|---|
| (1) | PEI WEI ASIAN DINER<br>5285 E. Broadway, #151<br>Applicant: Russell G. Owens<br>City #059-03, located in Ward 6<br>Series #12<br>Action must be taken by: September 19, 2003                      | <u>Staff Recommendation</u><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
| (2) | CHIPOTLE MEXICAN GRILL #2129<br>3055 N. Campbell Avenue, Suite #183<br>Applicant: H. J. Lewkowitz<br>City #060-03, located in Ward 3<br>Series #12<br>Action must be taken by: September 21, 2003 | <u>Staff Recommendation</u><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |

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 the community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

(c) Special Event(s)

- |     |   |  |
|-----|---|--|
| (1) | LAS FAMILIAS ANGEL CENTER FOR CHILDHOOD SEXUAL ABUSE TREATMENT<br>#55 Calle de Felicidad<br>Applicant: Mary D. Keyes<br>City #T060-03, located in Ward 6<br>Date of Event: October 10, 2003<br>(Major Annual Fundraiser)  | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
| (2) | ALTRUSA INTERNATIONAL, INC. OF TUCSON<br>2150 N. Alvernon Way,<br>Tucson Botanical Gardens<br>Applicant: Patricia A. Hesse<br>City #T064-03, located in Ward 6<br>Date of Event: October 4, 2003<br>(Fundraising for scholarships & literacy projects)          | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
| (3) | TUCSON MUSEUM OF ART<br>140 N. Main Avenue<br>Applicant: Charlie E. Bodden<br>City #T066-03, located in Ward 1<br>Date of Event: September 12, 2003<br>(Fundraising, bring people downtown)   | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
| (4) | ST. DEMETRIOS GREEK ORTHODOX CHURCH<br>1145 E. Ft. Lowell Road<br>Applicant: Susan Parker-Hotchkiss<br>City #T068-03, located in Ward 3<br>Date of Event: September 25, 2003<br>September 26, 2003<br>September 27, 2003<br>September 28, 2003<br>(Fundraising) | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |

- (5) SALPOINTE CATHOLIC HIGH SCHOOL Staff Recommendation  
 1545 E. Copper Street  
 Applicant: Margaret L. Gessner Police: In Compliance  
 City #T069-03, located in Ward 3 DSD: In Compliance  
 Date of Event: September 28, 2003  
 (Fundraising dinner)
- (6) TUCSON KITCHEN MUSICIANS ASSOC. Staff Recommendation  
 900 S. Randolph Way  
 Applicant: Mark P. Oliver Police: In Compliance  
 City #T073-03, located in Ward 6 DSD: In Compliance  
 Date of Event: September 20, 2003 Parks & Rec.: In Compliance  
 (To promote blues & heritage music)
- (7) FOX TUCSON THEATRE FOUNDATION Staff Recommendation  
 Congress – between Stone & Church  
 Applicant: Herb R. Stratford Police: In Compliance  
 City #T074-03, located in Ward 6 DSD: In Compliance  
 Date of Event: September 20, 2003  
 (Fundraiser)
- (8) ARIZONA THEATRE COMPANY Staff Recommendation  
 330 S. Scott Avenue  
 Applicant: Eileen Marie Bagnall Police: In Compliance  
 City #T076-03, located in Ward 6 DSD: In Compliance  
 Date of Event: September 20, 2003  
 (Annual Benefit)
- (9) SOUTH TUCSON LIONS Staff Recommendation  
 4823 S. 6<sup>th</sup> Avenue  
 Applicant: Fernando Acevedo Police: In Compliance  
 City #T077-03, located in Ward 5 DSD: In Compliance  
 Date of Event: September 13, 2003 Parks & Rec.: In Compliance  
 (Fundraiser)

**8. ZONING: (C9-03-03) WALGREENS – CRAYCROFT ROAD, R-3 TO C-1, ORDINANCE ADOPTION**

- (a) Report from City Manager SEPT8-03-471 W5

Material for this item can be accessed on the City Website and in the City Clerk's office as soon as it becomes available.

**9. HUMAN RESOURCES DIRECTOR: APPROVING THE APPOINTMENT OF THE HUMAN RESOURCES DIRECTOR FOR THE CITY OF TUCSON**

- (a) Report from City Manager SEPT8-03-481 CITY-WIDE
- (b) Ordinance No. 9889 relating to the Department of Human Resources; approving the appointment of Teri J. Traaen as the Director of Human Resources and fixing compensation; and declaring an emergency.

**10. PUBLIC HEARING: BINGO LICENSE – WESTERN WIND APARTMENTS, 4131 N. WESTERN WIND DRIVE, CITY NO. 194**

- (a) Report from City Manager SEPT8-03-478 W3

WESTERN WIND APARTMENTS, 4131 N. WESTERN WIND DRIVE,  
Applicant Helen Zeigler, City No. 194

- (b) Hearing

The City Manager recommends that the application be forwarded to the State Tax Commission for approval.

**11. PUBLIC HEARING: (C15-03-01) ESTABLISHING ORIGINAL CITY ZONING FOR THE VALENCIA/CRAYCROFT ANNEXATION DISTRICT**

- (a) Report from City Manager SEPT8-03-484 W5

Material for this item can be accessed on the City Website and in the City Clerk's office as soon as it becomes available.

**12. PUBLIC HEARING: ZONING (C9-91-19) LEWIS – TANQUE VERDE ROAD (SOUTHERN PORTION) C-2 ZONING, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN AND ORDINANCE ADOPTION**

- (a) Report from City Manager SEPT8-03-485 W2

Material for this item can be accessed on the City Website and in the City Clerk's office as soon as it becomes available.

**13. PUBLIC HEARING: ZONING (C9-99-25) ALVERNON WAY I-1 TO R-1, REQUEST FOR TIME EXTENSION, AND CHANGE OF CONDITIONS AND DEVELOPMENT PLAN**

- (a) Report from City Manager SEPT8-03-480 W5
- (b) Hearing on a request for a time extension to approve conditions of rezoning and a change of preliminary development plan for property located on Alvernon Way, approximately one-quarter mile north of Valencia Road. The applicant is Linda Morales, of the Planning Center, on behalf of the property owners, Sierra Pacific Company LLC. The City Manager recommends approval subject to the following conditions:

Recommended revised rezoning conditions for C9-99-25 Chicago Title and Trust No. 12151 – Alvernon Way are provided below. Within the text of the conditions, deleted text is ~~struckthrough~~, new text is underlined.

- 1. A subdivision plat, in substantial compliance with the Preliminary Development Plan dated June 16, 2003, and Design Compatibility Report is to be submitted for review and approval in accordance with Section 4.1.1 of the *LUC*, including, but not limited to:
  - a. ~~Structure heights shall be limited to twelve (12) feet.~~ The easternmost row of units along Antrim Loop Road shall be restricted to one story.
  - b. At least one direct access point to Alvernon Way (other than Antrim Loop Road) shall be provided from the lots south of Earp Wash.
  - c. At least one pedestrian connection between the pedestrian trail along Earp Wash and the streets south of Earp Wash.
  - d. The building setback requirements from Earp Wash shall be twenty-five (25) feet based on a 100-year flood discharge of 625 cfs.
- 2. The owner/developer shall dedicate, or verify the existence of, right-of-way for Alvernon Way as required per the *Major Streets and Routes Plan*. Dedication of 30 foot radius spandrels at the roadway connection to Alvernon Way.

3. The owner/developer shall design and construct the east half of the Major Streets and Routes Plan cross-section/improvements along the entire Alvernon Way frontage of the site, including appropriate transitions to the north and south of the property. Said improvements shall include 100-year storm capacity reinforced concrete box culverts or precast reinforced concrete pipe culverts. acceleration/deceleration lanes (one additional twelve (12) foot vehicular lane and a five (5) foot bike lane) to match the future Major Streets and Routes Plan cross section. An in-lieu contribution to an escrow account shall be provided for the future completion of the seventeen (17) feet of pavement along the entire frontage of the rezoning site, if it is not completely developed as part of this project

The owner/developer shall provide full road improvements on Antrim Loop Road.

4. The owner/developer shall construct a six (6) foot wide sidewalk along Alvernon Way, ~~in a location to accommodate the future widening of Alvernon Way.~~
5. The owner/developer shall dedicate, or verify the dedication of, the Earp Wash channel and twenty-five (25) feet on both sides of the bank.
6. A drainage report shall be submitted for review and approval. The report shall include detention/retention calculations with compliance of WASH Ordinance requirements. Additional drainage easements may be required to accept offsite runoff and convey it across lots to its logical point of discharge into the Earp Wash.
7. A regional detention basin is proposed for construction at the northwest corner of this development. The owner/developer may be required to contribute a portion of the cost of construction of this facility.
8. Water harvesting is encouraged by directing roof drainage to landscaped areas, however, lot to lot drainage shall not be permitted.
9. Earp Wash improvements shall provide a continuous on-site pedestrian link/trail and connect by means of an on-site common area adjacent to the Antrim Loop Road bridge, including a pedestrian crosswalk across Antrim Loop Road to guarantee a continuous pedestrian link-train with the adjacent subdivision to the east.

10. A note shall be provided on the tentative and final plat disclosing that adjacent parcels to the north and across Antrim Loop Road to the south are currently zoned and approved for industrial uses.
11. Perimeter landscaping to include:
  - a. A minimum six (6) foot high decorative masonry wall shall be constructed along the northern, western and southern border of the site. A and ten (10) foot wide landscape buffer planted with minimum of 24" box canopy trees spaced 15 on center and native cactus shall be provided adjacent to the west property line, the and south property line adjacent to Lots 52 through 60, and the north property line adjacent to Lots 4 through 6 as shown on the preliminary development plan dated June 16, 2003. The landscape buffer adjacent to the west property line may be placed within the excess right-of-way of Alvernon Way.
  - b. A minimum five (5) foot high decorative masonry wall and a ten (10) foot wide landscape buffer with canopy trees shall be provided adjacent to Antrim Loop Road ~~and along the north property line.~~
12. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Those screen walls visible from the public right-of-way 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, or (f) a combination of the above materials. In addition, any continuous wall greater than 75 feet in length and 3 feet in height shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
13. An on-the-ground survey by a qualified archeologist shall be performed before any ground modification occurs, and if any remains are found, a data recovery program approved by the Arizona State Museum shall be performed.
14. Archeological/cultural remains encountered during ground modification activities shall be mitigated in accordance with guidelines provided by the Arizona State Museum.
15. All areas identified as undisturbed open space shall be fenced off and protected prior to any on-site development activity.

16. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
17. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
18. Compliance with all Code requirements and conditions of rezoning by September 8, 2008.
19. Lots 1 and 17 through 30 shall not deviate from the Preliminary Development Plan in size and location on any future subdivision plat. Provide a “fair disclosure statement” regarding the existing industrial zoning on parcel to the north and south of the project.
20. Keener Way shall not connect to Antrim Loop Road except for emergency access unless vehicular flow in the area is modified to reduce cut-through traffic on Antrim Loop Road.
21. Provide a pedestrian connection across the Earp Wash along the west side of Antrim Loop to connect the Earp Wash trail to the lots north of the wash.
22. The pedestrian trail system shall be ADA compliant and all-weather accessible.
23. All residential access street cross-sections shall include parking on both sides of the street.
24. All interior streets shall be private.

Two (2) written approvals and four (4) 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.

#### **14. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager SEPT8-03-472 CITY-WIDE

**15. 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."

**16. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, September 15, 2003, at 2:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.