



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.

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 (TTD: 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 22, 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 – Nathan Van De Graaff, President of The Church of Jesus Christ of Latter-day Saints, invocation to be translated from American Sign Language to English by Paul Wynn, Interpreter.

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance.

PRESENTATION

- (a) Presentation to Dan Brady of Daisy Mae's Steak House for their generous donation to the Metropolitan Medical Response System project.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager SEPT22-03-512 CITY-WIDE

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

- (a) Report from City Manager SEPT22-03-513 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 – NO CONSENT ITEMS AT THIS TIME

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 SEPT22-03-514 CITY-WIDE
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

- | | |
|---|---|
| (1) CIRCLE K STORE #5540
1555 W. Valencia
Applicant: Kim K. Kwiatkowski
City #065-03, located in Ward 1
Series #10
Action must be taken by: October 11, 2003 | <u>Staff Recommendation</u>

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

Person Transfer

- | | |
|--|---|
| (2) BEST WESTERN EXECUTIVE INN
333 W. Drachman
Applicant: Panagiotis Lembessis
City #064-03, located in Ward 3
Series #6
Action must be taken by: October 4, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: DENIED |
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(CONTUNED FROM MAYOR AND COUNCIL MEETING OF SEPTEMBER 15, 2003)

NOTE: For a person to person transfer, Mayor and Council may consider both the applicant’s capability, qualifications and reliability.

(c) Special Event(s)

- | | | |
|-----|---|--|
| (1) | ST. MARGARET MARY PARISH
801 N. Grande Avenue
Applicant: Oscar White
City #T075-03, located in Ward 1
Date of Event: October 11, 2003
October 12, 2003
(Fundraiser) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (2) | FAMILY COUNSELING AGENCY
134 S. 5th Avenue
Applicant: Mary T. Wilson
City #T078-03, located in Ward 6
Date of Event: October 19, 2003
(50 th Anniversary Celebration Fundraiser) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (3) | OUR LADY QUEEN OF ALL
SAINTS CHURCH
2915 E. 36 th Street
Applicant: Albert P. Borboa
City #T079-03, located in Ward 5
Date of Event: October 4, 2003
(Charitable Church & Community Programs) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (4) | SOUTHWEST FAIR
COMMISSION, INC., dba S.I.R.
4823 S. 6 th Avenue
Applicant: David J. Danish
City #T085-03, located in Ward 5
Date of Event: October 18, 2003
October 19, 2003
(KIIM FM Desert Thunder Pro Rodeo) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks & Rec: In Compliance |

8. MAGISTRATES: APPOINTMENT OF ANTONIO F. RIOJAS, JR., TIMOTHY J. CRANSHAW, AND MITCHELL S. EISENBERG AS CITY MAGISTRATES

- (a) Report from City Manager SEPT22-03-516 CITY-WIDE
- (b) Ordinance No. 9899 relating to city magistrates; appointing a City Magistrate of the City of Tucson; fixing compensation and declaring an emergency.
- (c) Ordinance No. 9900 relating to city magistrates; appointing a City Magistrate of the City of Tucson; fixing compensation and declaring an emergency.
- (d) Ordinance No. 9901 relating to city magistrates; appointing a City Magistrate of the City of Tucson; fixing compensation and declaring an emergency.

9. ANNEXATION: RESOLUTION OF INTENT TO ANNEX STATE OWNED PROPERTY WITHIN THE PROPOSED STATE LAND III ANNEXATION DISTRICT

- (a) Report from City Manager SEPT22-03-517 OUTSIDE CITY
- (b) Resolution No. 19685 relating to annexation; declaring the intention of the Mayor and Council to annex certain real property owned by the State of Arizona; and declaring an emergency.

10. ZONING: (C9-91-19B) LEWIS – TANQUE VERDE ROAD (SOUTHERN PORTION) C-2 ZONING, CHANGE OF CONDITIONS AND DEVELOPMENT PLAN AND ORDINANCE ADOPTION (Note: the public hearing was held on September 8, the Ordinance Adoption was continued to September 22. This item relates to the commercial portion of the property.)

- (a) Report from City Manager SEPT22-03-510 W2
- (b) Ordinance No. 9892 relating to zoning: amending Ordinance 7734 and Ordinance 7782 and amending conditions for the commercial portion of the approval of the zoning district boundaries in the area located at the northwest corner of Tanque Verde Road and Desert Links Drive Case C9-91-19B, Lewis – Tanque Verde Road, C-2 zoning; and declaring an emergency.

11. PUBLIC HEARING: ZONING (C9-98-08) WILMOT/INTERSTATE 10 PARTNERSHIP – INTERSTATE 10, C-2/SH TO C-2, TIME EXTENSION AND CHANGE OF PRELIMINARY DEVELOPMENT PLAN

- (a) Report from City Manager SEPT22-03-511 W4
- (b) Hearing on a request for a change of preliminary development plan and a five year time extension for property located southeast of the intersection of Wilmot Road and Interstate 10.. The applicant is Linda Morales of the Planning Center, on behalf of Western Partners Tucson, LLC The revised preliminary development plan is for 52,060 square foot of self storage on 3.7 acres, and 4.3 acres of RV storage in lieu of the previously approved manufactured home sales lot.

The City Manager recommends approval of the requested five-year time extension from August 3, 2003, to August 3, 2008. The City Manager also recommends approval of the proposed self-storage and RV storage uses subject to the following recommended conditions including a requirement for submittal of a new preliminary development plan showing no access to the Interstate 1-10 frontage road:

- 1. A revised preliminary in substantial compliance with the preliminary development plan dated July 30, 2003, with the exception that no access to the Interstate 10 Frontage Road is permitted, shall be submitted to the Development Services Department prior to CDRC submittal of the final development plan.

Following submittal of the revised preliminary development plan a final development plan in substantial compliance with the revised preliminary development plan and the Environmental Resource Report, is to be submitted and approved in accordance with Section 5.3.8 and 4.1.1 of the *LUC*, including, but not limited to:

- a. At least 10 feet of landscaping at the vegetation density required for street borders in the *Land Use Code* shall be required along all exterior boundaries of the project and between the C-2 and MH-2 sections. Preserving all natural vegetation in a strip at least 25 feet wide can substitute for this density requirement. Any vegetative areas to be preserved are to be fenced during construction to prevent encroachment.
- b. There shall be no access from the C-2 portion to the Interstate 10 frontage road. Primary access to the C-2 portion shall be designed to minimize impacts on adjacent residential areas.
- c. All streets shall be private.

2. The owner/developer shall install a center left turn lane on Wilmot Road to accommodate southbound left turns into the site; and shall install curb, sidewalk and one (1) lane of pavement along the Wilmot Road frontage of the property shall be installed or funds contributed (based on current improvement district costs) to an escrow account to cover the future improvement district costs for same, thereby satisfying the future improvement district obligations of the property.
3. The owner/developer shall work with El Paso Natural Gas (EPNG) to improve the pipeline right-of-way as a multi-use type pedestrian and bicycle trail. Those improvements shall be included on the landscape plan. If no agreement is reached with EPNG, the landscape plan shall include a ten (10)-foot-wide landscaped buffer adjacent to the EPNG easement with a treatment consistent with the remainder of the site.
4. A drainage report, including details of retention/detention, shall be submitted and approved.
5. The U.S. Fish and Wildlife Service (USFWS) guidelines regarding the Cactus Ferruginous Pygmy-Owl shall be followed.
6. An archeological survey shall be performed as recommended in the report contained in the ERR. Archaeological or cultural remains encountered during construction shall be mitigated in accordance with guidelines provided by the Arizona State Museum. Provide a note on the plat or plan and include in the CC&Rs that the Arizona State Museum shall be promptly contacted if any archeological or cultural remains are uncovered.
7. 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 and shrubs in the voids created by the variations.
8. "Safe by Design" concepts shall be incorporated in the development plan/subdivision plat for review by the Tucson Police Department.
9. All Utilities shall be underground and within areas to be graded for the roadways, driveways, and building pads.
10. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

11. Compliance with all Code requirements and conditions of rezoning by August 3, 2008.
12. All vegetation ordinances of the City will be complied with even if it requires a redesign of the project and wildlife corridors must be included.
13. The owner/developer shall provide a Category I Traffic Impact Analysis (TIA) as defined in the Access Management Guidelines analyzing the impact of the development on the interchange (intersection), on and off ramps, frontage roads and arterial streets.

Eighteen (18) written approvals and zero (0) written protests are on file for this case.

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

12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager SEPT22-03-509 CITY-WIDE

13. 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."

14. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, October 6, 2003, at 2:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.