



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, OCTOBER 27, 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 – Pastor Mark Pederson, Centro Cristiano Esperanza – A Foursquare Church

PLEDGE OF ALLEGIANCE – Led by Cub Scouts Den 6, Pack 211

PRESENTATIONS

(a) Proclamation - Proclaiming October as Disability Awareness Month

(b) Proclamation - Proclaiming the week of October 20 to 26 as Arizona Cities and Towns Week

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager OCT27-03-551 CITY-WIDE

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

(a) Report from City Manager OCT27-03-552 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 G

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 no 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 OCT27-03-555 CITY-WIDE
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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|-----|--|---|
| (1) | 7-ELEVEN STORE #13048E
5457 E. Pima Street
Applicant: Manju Mittal
City #073-03, located in Ward 6
Series #10
Action must be taken by: November 1, 2003 | <u>Staff Recommendation</u>
Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (2) | TACO BRON
6910 E. Tanque Verde Road
Applicant: Denise M. Palomares
City #074-03, located in Ward 2
Series #12
Action must be taken by: November 6, 2003 | <u>Staff Recommendation</u>
Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |

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|--|---|
| <p>(3) BONSAI
 3305 N. Swan Road #111
 Applicant: James J. Kim
 City #072-03, located in Ward 2
 Series #12
 Action must be taken by: November 3, 2003</p> | <p><u>Staff Recommendation</u>

 Police: In Compliance
 DSD: In Compliance
 Bus. License: In Compliance</p> |
| <p>(4) SZECHUAN RESTAURANT
 8898 E. Tanque Verde Road
 Applicant: Park P. Pang
 City #075-03, located in Ward 2
 Series #12
 Action must be taken by: November 7, 2003</p> | <p><u>Staff Recommendation</u>

 Police: In Compliance
 DSD: In Compliance
 Bus. License: In Compliance</p> |
| <p>(5) SUSHI WORLD
 1800 E. Ft. Lowell Road #116
 Applicant: Hui S. Clark
 City #076-03, located in Ward 3
 Series #12
 Action must be taken by: November 7, 2003</p> | <p><u>Staff Recommendation</u>

 Police: In Compliance
 DSD: In Compliance
 Bus. License: In Compliance</p> |

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

- | | |
|---|---|
| <p>(6) SANTA FE BAR & GRILL
 7130 S. Nogales Hwy.
 Applicant: Manuel A. Simo
 City #069-03, located in Ward 1
 Series #6
 Action must be taken by: October 31, 2003</p> | <p><u>Staff Recommendation</u>

 Police: In Compliance
 DSD: In Compliance
 Bus. License: In Compliance</p> |
|---|---|

PUBLIC OPINION: PROTEST FILED

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

Location Transfer

- (7) ENOTECA PIZZERIA WINE BAR Staff Recommendation
58 W. Congress Street
Applicant: Fiore C. Iannacone Police: In Compliance
City #071-03, located in Ward 1 DSD: In Compliance
Series #7 Bus. License: In Compliance
Action must be taken by: November 2, 2003

NOTE: For a location transfer Mayor and Council can consider both the applicants' capability, qualifications, reliability and location issues.

Person/Location Transfer(s)

- (8) WESTERN OPRYHOUSE Staff Recommendation
1102 W. Grant Road
Applicant: Luke Cusack Police: DENIED
City #070-03, located in Ward 3 DSD: DENIED
Series #6 Bus. License: In Compliance
Action must be taken by: November 1, 2003

**PUBLIC OPINION: PROTESTS FILED
SUPPORTS FILED**

- (9) HA LONG BAY RESTAURANT Staff Recommendation
6304 E. Broadway
Applicant: Trieu P. Nguyen Police: In Compliance
City #077-03, located in Ward 6 DSD: In Compliance
Series #7 Bus. License: **Review in process**
Action must be taken by: November 9, 2003

NOTE: For a person and location transfer Mayor and Council can consider both the applicant's capability, qualifications and reliability and location issues.

(c) Special Event(s)

- (1) SALPOINTE CATHOLIC HIGH SCHOOL Staff Recommendation
1545 E. Copper Street
Applicant: Margaret L. Gessner Police: In Compliance
City #T071-03, located in Ward 3 DSD: In Compliance
Date of Event: November 1, 2003
(Sports Hall of Fame Induction Banquet)

PUBLIC OPINION: PROTESTS FILED

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| (2) | TUCSON COMMUNITY SCHOOL, INC.
3201 E. Presidio Road
Applicant: Catherine L. Mahoney
City #T094-03, located in Ward 3
Date of Event: October 25, 2003
(Raise money for programs) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (3) | TUCSON FIREFIGHTERS LOCAL 479
160 W. Alameda, El Presidio Park
Applicant: Gerry R. Bowlin
City #T097-03, located in Ward 1
Date of Event: October 24, 2003
(Charitable Fundraiser-Chili Cook-Off) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks & Rec: In Compliance |
| (4) | TUCSON MEDICAL CENTER
FOUNDATION
3645 W. Starr Pass Blvd.
Applicant: Colleen H. Cullison
City #T102-03, located in Ward 1
Date of Event: October 24, 2003
(Donation to Children's Miracle Network) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (5) | LEAGUE OF MEXICAN
AMERICAN WOMEN
900 S. Randolph, Reid Park Bandshell
Applicant: Frances Lobado-Rodriguez
City #T095-03, located in Ward 6
Date of Event: November 9, 2003
(Community Fundraiser) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks & Rec: In Compliance |
| (6) | RIALTO FOUNDATION
318 E. Congress Street
Applicant: Jeb Schoonover
City #T096-03, located in Ward 6
Date of Event: October 31, 2003
(Fundraiser) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

8. ZONING: (C9-03-15) PLACITA DEL RIO – I-19 AND IRVINGTON ROAD, R-1 TO R-2 AND C-1, CITY MANAGER'S REPORT

- (a) Report from City Manager OCT27-03 558 W1
- (b) Report from zoning Examiner dated October 17, 2003

- (c) Request to rezone approximately 3.57 acres from R-1 (Low Density Residential) to R-2 (Medium Density Residential) zoning and 3.90 acres from R-1 to C-1 (Low Intensity Commercial) zoning. Applicant: Thomas Sayler-Brown of Sayler-Brown Bolduc Architects, LLC, on behalf of the property owner, Placita del Rio, LLC.

The rezoning site is located on the east side of Interstate 19, approximately 500-1,000 feet north of Irvington Road behind an existing shopping center. The preliminary development plan is for 64 apartment units in a two-story building, and 50,000 square feet of self-storage units with freeway signage. An existing 357 square foot freeway sign located along the I-19 frontage will remain.

The Zoning Examiner recommends authorization of R-2 and C-1 zoning. The City Manager recommends authorization of R-2 and C-1 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated June 13, 2003, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Prior to the issuance of any building permits, a pedestrian and vehicle cross-access easement(s) shall be recorded among lots; 1, 2, & 3 and the La Placita Shopping Center, to secure an integrated cross-access agreement as needed, to access Irvington Road.
3. A resident controlled security gate shall be provided on the PAAL connecting the apartments to the shopping center and referenced in a cross-access agreement with the shopping center.
4. If ADT for the apartments significantly exceeds 40, access to 15th Street shall be limited to emergency access only and installation of an emergency access only gate shall be required.
5. The pedestrian circulation system within the apartment site shall be illuminated and wheelchair accessible. It shall include a striped crosswalk across the rear shopping center PAAL, at a minimum width of eight feet.
6. All residential units within the apartment complex shall be adaptable for compliance with ADA. A minimum of five (5) percent of the residential units within the apartment complex shall be fully ADA compliant. A minimum of two (2) percent of the residential units shall be designed for hearing/visually impaired tenants.
7. A maximum of 58 parking spaces shall be provided for the apartment complex.

8. The hours of operation for the self-storage units shall be from 6:00 a.m. to 11:00 p.m.
9. Building facades at rear and side are to be designed with attention to architectural character and detail comparable to the front facade, with consistent design treatment, including but not limited to, comparable color palette, signs, lighting, screen walls, rooflines, and materials. Dimensioned elevation drawings are to be submitted as a part of the development plan.
10. The landscape buffer along the northern and eastern perimeter of the self-storage units shall have canopy trees located 25 feet on center and shall include shrubs, and ground cover planting.
11. Landscaping shall be installed adjacent to the western property boundary, except where building(s) are located on the west property line. The landscaping shall include canopy trees located 25 feet on center, including shrubs, and ground cover planting.
12. A six (6) foot high masonry wall shall be constructed around the site proposed for the self-storage units, except at locations where perimeter buildings create a solid screen, at entry/exit points, and at drainage openings. The walls of the self-storage buildings may be used as the screen walls subject to compliance with the requirements of conditions #14 and #15.
13. A five (5) foot high masonry wall shall be constructed on the western, northern and eastern perimeter of the site proposed for the apartments, at entry/exit points, and at drainage openings. The eastern wall of the self-storage buildings may be used as the screen wall for the apartments subject to compliance with the requirements of conditions #14 and #15.
14. Any required or proposed masonry screen walls, including the exterior walls of the self storage area where they serve as 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, or (f) a combination of the above materials.
15. Any continuous wall greater than 75 feet in length and 3 feet in height, including the exterior walls of the self storage area where they serve as screen walls, visible from the public right-of-way or the proposed apartments, shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.

16. 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.
17. To create a community amenity, drainage basins shall have natural appearing, undulating, contoured side slopes. Engineered, geometrical, straight-sided basin shapes, sides and bottoms shall be discouraged unless integral to the design of the basin to incorporate recreational uses.
18. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the Engineering staff, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
19. 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.
20. 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 basins perimeter shall be preserved.
21. Vegetation shall be used as screening and/or provide access control for a minimum of ten percent of the basin perimeter.
22. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
23. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
24. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Zero (0) written approvals and zero (0) written protests have been received.

9. INTERGOVERNMENTAL AGREEMENT: WITH PIMA ANIMAL CARE CENTER FOR FISCAL YEAR 2004

- (a) Report from City Manager OCT27-03-556 CITY-WIDE
- (b) Resolution No. 19704 relating to Intergovernmental Agreements; approving and authorizing execution of Fiscal Year 2004 Intergovernmental Agreement with Pima Animal Care Center; and declaring an emergency.

10. PUBLIC HEARING: TUCSON CODE (AMENDING CHAPTER 4) RELATING TO THE LICENSE FEE FOR UNALTERED DOGS

- (a) Report from City Manager OCT27-03-559 CITY-WIDE
- (b) Hearing regarding proposed changes to Tucson Code, Chapter 4, Article V, Section 4-82, "License Fee," reducing the unaltered dog license fee from \$75.00 to \$40.00. The unaltered dog license fee for seniors and persons with a disability will remain at \$12.00.
- (c) Ordinance No. 9908 relating to Animals and Fowl; providing for a reduction in the license fee for unaltered dogs; amending the Tucson Code by amending Section 4-82; and declaring an emergency.

This is the first of two Public Hearings on this topic. The concluding Public Hearing and consideration of Ordinance No. 9908 will take place on November 10, 2003.

11. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager OCT27-03-550 CITY-WIDE

12. 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."

13. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, November 3, 2003, at 2:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.