



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

Fred Ronstadt
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, DECEMBER 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 – Pastor Zane Anderson, Victory Assembly of God

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager DEC8-03-621 CITY-WIDE

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

(a) Report from City Manager DEC8-03-622 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 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 DEC8-03-618 CITY-WIDE
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

- | | | |
|-----|--|---|
| (1) | CHARRO GRILL
1765 E. River Road #131
Applicant: Robert B. McMahon
City #086-03, located in Ward 3
Series #12
Action must be taken by: December 18, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (2) | CATALINA MART
SANTA CRUZ RIVER/IRVINGTON
1169 W. Irvington Road
Applicant: Robert D. Mahlstedt
City #087-03, located in Ward 1
Series #10
Action must be taken by: December 29, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
| (3) | CATALINA MART
SILVERBELL/GRANT
2385 N. Silverbell Road
Applicant: Robert D. Mahlstedt
City #088-03, located in Ward 1
Series #10
Action must be taken by: December 29, 2003 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |

PUBLIC OPINION: PROTEST FILED

- (4) CATALINA MART Staff Recommendation
HOUGHTON/BROADWAY
5 S. Houghton Road Police: In Compliance
Applicant: Robert D. Mahlstedt DSD: In Compliance
City #089-03, located in Ward 2 Bus. License: In Compliance
Series #10
Action must be taken by: December 29, 2003
- (5) CATALINA MART Staff Recommendation
BEAR CANYON/TANQUE VERDE
8845 E. Tanque Verde Road Police: In Compliance
Applicant: Robert D. Mahlstedt DSD: In Compliance
City #090-03, located in Ward 2 Bus. License: In Compliance
Series #10
Action must be taken by: December 29, 2003
- (6) CATALINA MART Staff Recommendation
1ST/WETMORE
4390 N. 1st Avenue Police: In Compliance
Applicant: Robert D. Mahlstedt DSD: In Compliance
City #091-03, located in Ward 3 Bus. License: In Compliance
Series #10
Action must be taken by: December 29, 2003
- (7) CATALINA MART Staff Recommendation
CAMPBELL/PRINCE
3550 N. Campbell Avenue Police: In Compliance
Applicant: Robert D. Mahlstedt DSD: In Compliance
City #092-03, located in Ward 3 Bus. License: In Compliance
Series #10
Action must be taken by: December 29, 2003
- (8) CATALINA MART Staff Recommendation
PANTANO/GOLF LINKS
7910 E. Golf Links Road Police: In Compliance
Applicant: Robert D. Mahlstedt DSD: In Compliance
City #093-03, located in Ward 4 Bus. License: In Compliance
Series #10
Action must be taken by: December 29, 2003

- (9) CATALINA MART Staff Recommendation
 KOLB/22ND
 7090 E. 22nd Street
 Applicant: Robert D. Mahlstedt
 City #094-03, located in Ward 4
 Series #10
 Action must be taken by: December 29, 2003
 Police: In Compliance
 DSD: In Compliance
 Bus. License: In Compliance
- (10) CATALINA MART Staff Recommendation
 PARK/BENSON
 1001 E. Benson Highway
 Applicant: Robert D. Mahlstedt
 City #095-03, located in Ward 5
 Series #10
 Action must be taken by: December 29, 2003
 Police: In Compliance
 DSD: In Compliance
 Bus. License: In Compliance
- (11) SUPER STOP #648 Staff Recommendation
 4301 E. Broadway Blvd.
 Applicant: Rodney S. Herbert
 City #096-03, located in Ward 6
 Series #10
 Action must be taken by: December 28, 2003
 Police: In Compliance
 DSD: In Compliance
 Bus. License: In Compliance
- (12) SUPER STOP #649 Staff Recommendation
 6280 E. Broadway Blvd.
 Applicant: Rodney S. Herbert
 City #097-03, located in Ward 6
 Series #10
 Action must be taken by: December 28, 2003
 Police: In Compliance
 DSD: In Compliance
 Bus. License: In Compliance
- (13) SUPER STOP #646 Staff Recommendation
 3902 E. Speedway Blvd.
 Applicant: Rodney S. Herbert
 City #098-03, located in Ward 6
 Series #10
 Action must be taken by: December 28, 2003
 Police: In Compliance
 DSD: In Compliance
 Bus. License: In Compliance

- | | | |
|------|--|---|
| (14) | <p>SUPER STOP #650
 3050 E. Ft. Lowell Road
 Applicant: Rodney S. Herbert
 City #101-03, located in Ward 3
 Series #10
 Action must be taken by: December 28, 2003</p> | <p><u>Staff Recommendation</u>

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

PUBLIC OPINION: PROTEST FILED

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/Location Transfer

- | | | |
|------|---|---|
| (15) | <p>SUNFLOWER MARKET
 7877 E. Broadway Blvd.
 Applicant: Robert E. Millsap
 City #085-03, located in Ward 2
 Series #9
 Action must be taken by: December 13, 2003</p> | <p><u>Staff Recommendation</u>

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

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) | <p>RIALTO THEATRE
 318 E. Congress Street
 Applicant: Jeb B. Schoonover
 City #T106-03, located in Ward 6
 Date of Event: December 13, 2003
 (Fundraiser)</p> | <p><u>Staff Recommendation</u>

 Police: In Compliance
 DSD: In Compliance</p> |
| (2) | <p>RIALTO THEATRE
 318 E. Congress Street
 Applicant: Jeb B. Schoonover
 City #T107-03, located in Ward 6
 Date of Event: December 31, 2003
 (Fundraiser)</p> | <p><u>Staff Recommendation</u>

 Police: In Compliance
 DSD: In Compliance</p> |

8. PARKS AND RECREATION: RENAMING FIESTA PARK TO MANUEL HERRERA JR. PARK

- (a) Report from City Manager DEC8-03-630 W1
- (b) Resolution No. 19733 relating to Parks and Recreation; authorizing and approving the renaming of Fiesta Park to Manuel Herrera Jr. Park; and declaring an emergency.

9. ZONING: (C9-03-14) ABRAMS – ESCALANTE ROAD, SR TO R-1, CITY MANAGER’S REPORT

- (a) Report from City Manager DEC8-03-624 W4
- (b) Report from Zoning Examiner dated November 21, 2003
- (c) This is a request to rezone approximately 23 acres from SR (Very Low Density Residential) to R-1 (Low Density Residential) zoning. Applicant: Michael John Baker, on behalf of the property owner, Joel Abrams.

The rezoning site is located at the southwest corner of Houghton and Escalante Roads. The preliminary development plan proposes 58 one and two-story single-family residences on 23 acres for a density of 2.52 residences per acre.

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

1. A subdivision plat in substantial compliance with the preliminary development plan dated July 8, 2003, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.
2. The owner/developer shall dedicate, or verify the existence of, right-of-way per the *Major Streets and Routes Plan* map (including applicable intersection widening) along the Houghton Road and the Escalante Road frontages of the site. A 30-foot radius spandrel shall be dedicated at the northeast corner of the site.
3. The owner/developer shall pay the cost of permanent improvements to arterial streets resulting from this development (the west half of Houghton Road cross-sections along the frontages of the site including 6 foot wide sidewalks and 100-year storm capacity reinforced concrete box culverts or pre-cast reinforced concrete pipe culverts). That cost shall be \$322,392, which shall be placed in escrow prior to issuance of the first building permit,

for a period of three years. If during the three-year period a transportation impact fee is imposed by the City which includes these costs, then the developer may elect to pay the amount of the fee that would have been imposed for all dwellings constructed prior to the imposition of the fee. If the developer elects to pay the impact fee on all dwellings constructed prior to the imposition of the fee, the escrow amount and accumulated interest will be released to the developer. If this election is not taken or the three year period expires, the escrow amount and accumulated interest shall be released to the City at the earlier of time of imposition of impact fees or the expiration of the three year period. The developer shall be responsible for all impact fees and entitled to all credits in accordance with an impact fee as adopted.

4. Owner/developer shall design and construct the south half of a typical 5 lane MS&RP roadway cross-section, including curb, 6 foot wide sidewalks and a bike lane, along the Escalante Road frontage of the site. Said paving improvements shall result in the creation of a westbound through lane, a continuous center left turn lane (to accommodate westbound to southbound left turns at the entrance to site and eastbound to northbound left turns at Houghton Road), an eastbound through/right turn lane and an eastbound bike lane. Turn lane configurations/geometry shall be coordinated with Traffic Engineering.
5. All access to the subdivision shall be from Escalante Road.
6. All new streets within the development shall be designed to accommodate parking on both sides of the street.
7. A Category I Traffic Impact Analysis shall be conducted in accordance with Section 6.3 of the Access Management Guidelines.
8. A left turn deceleration lane shall be provided along Houghton Road with a minimum 140-foot stacking distance and 120-foot transition.
9. A right turn deceleration lane shall be provided along Escalante Road with a minimum 100-foot stacking distance and 120-foot transition.
10. Developer shall be responsible for adding sufficient additional paving to accommodate a five-foot bike lane along all new lane transitions.
11. Pedestrian systems within the development shall be conveniently connected to adjacent pedestrian systems.

12. The residential streetscape landscaping required along residential streets shall include trees located within private residential lots adjacent to residential street rights-of-way at a maximum distance of sixteen (16) feet from 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.
13. Homes constructed on lots 5, 6, 7, 8, 11, and 12 shall be restricted to one story. The height of these homes will not exceed 16 feet.
14. Buildings shall be earth-tone in color, building footprints and building orientations and rooflines shall be varied so as to appear visually interesting from the street.
15. The amounts of cut and fill on the final grading plan shall be consistent with the preliminary grading plan accepted as part of this rezoning application.
16. Edge treatments of cut and fill areas shall be designed to be attractive and aesthetically appealing. Design details demonstrating compatibility with the natural landscape shall be provided as part of the subdivision plat.
17. On-site grading shall be designed to mitigate existing drainage problems at the northeast corner of the Redington Hills subdivision.
18. Wash/natural open space areas shall remain natural except as shown on the preliminary grading plan. All natural open space areas shall be fenced off and protected prior to any on-site development activity.
19. Walls along the rear of lots adjoining open space areas shall have an "open" design, such as wrought iron, for the upper two to three feet of wall height.
20. Street trees shall be planted at a minimum of every other lot along the streetscape to shade sidewalks.
21. The owner/developer shall contribute towards the development of the Houghton Greenway in the vicinity of the project in the amount of \$22 per linear foot of frontage on Houghton Road.

22. 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, or (f) a combination of the above materials.
23. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
24. 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.
25. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
26. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
27. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.
28. The owner/developer shall contribute \$25,000 in assurances towards the installation of a permanent traffic signal at the intersection of Houghton and Escalante.
29. The following conditions shall apply to lots 5, 6, and 7 as shown on the preliminary development plan dated July 8, 2003, :
 - a. A five foot-six inch (5’ 6”) decorative masonry wall shall be constructed on the west property line. The wall shall be painted a desert tan color.

- b. A minimum rear yard setback of 25 feet.
 - c. The existing grade shall be lowered by five (5) feet.
30. The west side of the street crossing over the wash near the center of the site shall be landscaped. Any exposed concrete, metal, or similar surfaces shall be painted a desert tan color.

Four (4) written approvals and six (6) written protests have been received.

Because the protest level within 150 feet of the rezoning site is less than 20 percent in all four quadrants surrounding the site, a simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions have been met.

10. TUCSON CODE: AMENDING (CHAPTER 4) UPDATING PROVISIONS RELATING TO ISSUANCE OF DOG LICENSES AND LATE PENALTIES TO CONFORM TO NEW STATE LAW

- (a) Report from City Manager DEC8-03-623 CITY-WIDE
- (b) Ordinance No. 9916 relating to Animals and Fowl; changing the age requirement for vaccination and licensing and increasing the license delinquency penalty, amending Chapter 4, Article V, Sections 4-76, 4-81, 4-87 and 4-88; and declaring an emergency.

11. PUBLIC HEARING: POLICY RECOMMENDATIONS FOR CITY BOARDS, COMMITTEES AND COMMISSIONS

- (a) Report from City Manager DEC8-03-625 CITY-WIDE
- (b) Hearing

The City Manager recommends that the Mayor and Council review the Boards, Committees and Commissions identified in the report and determine those to be eliminated or consolidated and that staff be directed to return with the appropriate resolution. Additionally, it is recommended that staff be directed to return with a resolution setting the policy for future creation of Boards, Committees and Commissions.

12. PUBLIC HEARING: PROPOSED AMENDMENTS TO THE CIVANO DEVELOPMENT AGREEMENT AND INDEMNITY AGREEMENT, AMENDMENTS TO THE CIVANO IMPACT STANDARDS AND TO THE MEMORANDUM OF UNDERSTANDING

- (a) Report from City Manager DEC8-03-633 W4

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 (C9-91-14) CIVANO/PULTE - BILBY ROAD, R-2, C-2 AND I-1 ZONING, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION

- (a) Report from City Manager DEC8-03-631 W4

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

14. PUBLIC HEARING: (SE-03-03) AVENTIS BIO SERVICES — 12th STREET SPECIAL EXCEPTION LAND USE (Continued from Meeting of August 4, 2003)

- (a) Report from City Manager DEC8-03-620 W5
- (b) Hearing. Request for a Type III Special Exception to construct a plasma collection center. Applicant: Keri L. Silvyn and Mary Beth Savel of Lewis and Roca LLP, on behalf of the property owner Kevin Kiernan.

On November 26, 2003, the applicant withdrew the request.

15. PUBLIC HEARING: ZONING (C9-91-13B) LA COLONIA SEIS - CAMPBELL AVENUE, R-2/C-1 TO OCR-1 ZONING (7TH STREET PORTION ONLY, SOUTHEAST CORNER OF CAMPBELL AVENUE AND SIXTH STREET) CITY MANAGER'S REPORT

- (a) Report from City Manager DEC8-03-632 W6

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

16. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager DEC8-03-619 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, December 15, 2003, at 2:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.