



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

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 the first four Mondays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

5:30 p.m. session [Order of business]

- Invocation and Pledge of Allegiance
- Presentations
- Summary of Current Events
- Liquor license applications
- Consent Agenda

- Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.
- Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.
- Other Mayor and Council business as listed on the agenda for the meeting.

Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. : www.tucsonaz.gov/agdocs

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.

To better serve everyone in the community, the Mayor and Council 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 at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- 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 or write the City's Web Site, www.tucsonaz.gov/agdocs. Your comments will be transcribed and distributed to the Mayor and Council.

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.

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 (TDD: 791-2639, FAX: 791-4017 or WEB SITE: www.tucsonaz.gov/agdocs, 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the 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, 101 N. Stone.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, JUNE 14, 2004 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Reverend Patricia Noble, Science of Mind Center

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager JUNE14-04-292 CITY-WIDE

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

(a) Report from City Manager JUNE14-04-293 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

(a) Report from City Manager JUNE14-04-295 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

(1) KABABEQUE
845 E. University Blvd. Suite 185
Applicant: Saurabh Sareen
City #027-04, located in Ward 6
Series #12
Action must be taken by: June 26, 2004

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

(c) Special Event(s)

- | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| (1) | TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City #T052-04, located in Ward 1
Date of Event: June 26, 2004
(Fundraiser, bring people downtown) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
| (2) | ESCARAMUZA FLOR DE PRIMAVERA
4823 S. 6 th Avenue
Applicant: Francisco J. Celaya
City #T056-04, located in Ward 5
Date of Event: June 26, 2004
(Entertainment & Educate about Mexican Culture) | <u>Staff Recommendation</u>

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

6. CONSENT AGENDA ITEMS A THROUGH H

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. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a “retained speaker”. 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".

8. PUBLIC HEARING: GRANT-ALVERNON AREA PLAN AMENDMENT – TUCSON BOTANICAL GARDENS – SUB-AREA 1

- (a) Report from City Manager JUNE14-04-290 W6
- (b) Hearing on a request by the property owners of the Tucson Botanical Gardens (TBG) to amend the *Grant-Alvernon Area Plan (GAAP)* to allow an expansion of the Tucson Botanical Gardens, a cultural use, onto two adjacent lots. The expansion site is located on the westside of Sycamore Boulevard, adjacent to the Tucson Botanical Gardens.
- (c) Resolution No. 19849 relating to planning and zoning; amending the *Grant-Alvernon Area Plan*; and declaring an emergency.

The City Manager recommends approval of the proposed amendment to the *Grant-Alvernon Area Plan* Conceptual Land Use Map, Sub-Area 1 Map, and Tucson Botanical Gardens Sub-Area 1 policies to allow office, research, and storage use on two residential lots located on Sycamore Boulevard, with primary access to Alvernon Way.

9. ZONING: (C9-02-12) OCHOA – ST. MARY’S ROAD, R-2 TO O-2, REACTIVATION AND TIME EXTENSION (CONTINUED FROM MEETING OF MAY 3, 2004)

- (a) Report from City Manager JUNE14-04-291 W1
- (b) Request for a time extension for rezoning property located at the northeast corner of St. Mary’s Road and Westmoreland Avenue. Applicant: Marc Ochoa, the property owner. The preliminary development plan is for the conversion of an existing 1,200 square foot, single-story, multi-family residential structure on 0.17 acres into an office use. Because the rezoning case has expired it must be reactivated prior to any action. The City Manager recommends the Mayor and Council reactivate the case and approve a time extension from September 16, 2003 to January 26, 2005, subject to compliance with the following conditions:
 - 1. A development plan in substantial compliance with the preliminary development plan dated June 7, 2002, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
 - 2. Renovations and/or repairs to the existing structure shall be limited to one-story and designed to be compatible with the existing residential character of the neighborhood. Elevations indicating colors of all existing and proposed structures shall be submitted at the time of development plan review.
 - 3. Outdoor lighting shall be full cutoff. All outdoor lighting in the parking lot area shall be located below the height of the screen walls.

4. If a commercial dumpster is used, it shall be located a minimum of fifty (50) feet away from residentially zoned or developed property and screened from view from adjacent residential development and public rights-of-way. If residential dumpsters are used, a screened storage area shall be identified on the development plan.
5. A six foot high masonry wall shall be located on the north property boundary with twenty-four (24) inch box canopy trees planted south of the wall a maximum of twenty-five (25) feet apart.
6. A thirty (30) inch high masonry wall shall be installed on the west side of the site along the entire length of the Westmoreland Avenue street frontage, except at vehicular or pedestrian entrances.
7. Vertical curbing shall be installed the length of the property along Westmoreland Avenue to replace the existing wedge curb.
8. Vehicles shall not park in the right-of-way area between the curb and the property line along Westmoreland Avenue.
9. A traffic directional sign shall be installed and maintained at the exit point onto Westmoreland Avenue, directing traffic to proceed south to St. Mary's Road.
10. 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.
11. 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.
12. 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.

13. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
14. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
15. Dedication or verification of the existence of right-of-way as provided on the *Major Streets and Routes Plan* map, along St. Mary’s Road frontage of the site and dedication of a twenty-five (25) foot radius spandrel at the southwest corner of the site.
16. Any unused curb cuts shall be closed.
17. Any existing damaged sidewalk shall be removed and replaced.
18. A drainage report shall be prepared and approved, including detention analysis.
19. Water harvesting techniques will be employed to the maximum extent reasonably possible.
20. Barrier-free access routes shall be designed so that they are free of flooding during the ten-year frequency flood event.
21. The drainage report shall address conformance with FEMA requirements for finished floor elevation and utility installations.
22. ~~One year is allowed from the date of initial authorization to comply~~ Compliance with all Code requirements and conditions of rezoning by January 26, 2005. Further time extensions beyond January 26, 2005, shall require a public hearing before the Mayor and Council.

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One (1) written approval and one (1) written protest have been received for this case. None of the protests lie within the 150 foot protest area resulting in zero percent protest by area in all directions.

A simple majority vote will be necessary to reactivate the case and approve a time extension.

10. ENVIRONMENTAL SERVICES: AMENDING TUCSON CODE (CHAPTER 15) - RELATING TO REFUSE

- (a) Report from City Manager JUNE14-04-305 CITY-WIDE
- (b) Ordinance No. 9982 relating to environmental services; authorizing a residential fee for collection service; revising definitions relating to residential and commercial residential properties to classify which customers will be charged residential versus commercial refuse fees; clarifying the Director of Environmental Services' authority to set rates for commercial collection; providing that hazardous wastes may not be disposed of in either refuse or recycling containers; clarifying code provisions regulating refuse and recycling container placement and use, and residential and business recycling; making it a civil infraction to violate standards established in the Director's rule, procedures and regulations generally, or to fail to abide by those rules, procedures and regulations specifically promulgated for management of the City landfill; making certain other technical amendments; amending other definitions; providing for an effective date of July 1, 2004 for all amendments, amending Tucson Code Sections 15-1, 15-2, 15-12 through 15-16 inclusive, 15-18 through 15-20 inclusive, 15-24.1, 15-24.3, 15-24.6, 15-24.7, and 15-50; and declaring an emergency.

11. ENVIRONMENTAL SERVICES: PROPOSED RESIDENTIAL AND COMMERCIAL REFUSE COLLECTION RATES AND LANDFILL FEES

- (a) Report from City Manager JUNE14-04-299 CITY-WIDE
- (b) Resolution No. 19848 relating to environmental services; pursuant to Tucson Code Section 15-31.1, authorizing and approving the Director of Environmental Services' proposed "Requirements and Schedules for Refuse Services Charges and Fees" during fiscal year 2004-2005, to take effect July 1, 2004; and declaring an emergency.

The City Manager recommends that the Mayor and Council adopt the resolution to become effective 30 days after approval.

12. ENVIRONMENTAL SERVICES: APPROVING THE RULES, PROCEDURES AND REGULATIONS FOR ENVIRONMENTAL SERVICES

- (a) Report from City Manager JUNE14-04-300 CITY-WIDE
- (b) Resolution No. 19850 relating to environmental services; authorizing and approving the "Rules, Procedures and Regulations for Environmental Services 2004-2005," to take effect July 1, 2004; and declaring an emergency.

The City Manager recommends that the Mayor and Council adopt the resolution to become effective July 1, 2004.

13. FINANCE: TENTATIVE ADOPTION OF FISCAL YEAR 2005 BUDGET

- (a) Report from City Manager JUNE14-04-306 CITY-WIDE
- (b) Resolution No. 19852 relating to finance; adopting a tentative budget for the 2005 fiscal year and fixing times and places, confirming time and place to conduct a truth in taxation public hearing and to conduct a public hearing on said budget, to adopt the final budget in a special meeting, to fix time and place to determine the primary and secondary tax levies for said fiscal year, and declaring an emergency.

The Truth in Taxation public hearing and the final hearing on the Budget are scheduled for June 21, 2004.

14. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager JUNE14-04-294 CITY-WIDE

15. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, June 21, 2004, at 5:30 p.m. in the Music Hall at the Tucson Convention Center, 260 South Church Avenue, Tucson, Arizona.