



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	Shirley C. Scott	Ward 4
Carol W. West	Ward 2	Steve Leal	Ward 5
Kathleen Dunbar	Ward 3	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

TUESDAY, SEPTEMBER 7, 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 Gerry Nangle, Johrei Fellowship

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager SEPT7-04-449 CITY-WIDE

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

(a) Report from City Manager SEPT7-04-448 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

(a) Report from City Manager SEPT7-04-445 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

(1) GRANT MINI MARKET
2727 E. Grant Road
Applicant: Asia A. Abdullah
City #042-04, Ward 3
Series #10
Action must be taken by: 9/11/04

Staff Recommendation
Police: In Compliance
DSD: In Compliance
Revenue: In Compliance

PUBLIC OPINION: PROTESTS FILED

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| (2) | OBREGON MARKET
6352 & 6354 S. Nogales Hwy.
Applicant: Nancy J. Bigelow
City #045-04, Ward 1
Series #10
Action must be taken by: 9/17/04 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |
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PUBLIC OPINION: PROTESTS 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)

(c) Special Event(s)

- | | | |
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| (1) | PANTANO EXCHANGE CLUB
4440 S. Houghton Road
Applicant: Scott P. Little
City #T059-04, Ward 4
Date of Event: 10/9/04
(Fundraiser for Parent Aid Child Abuse Prevention Center) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
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| (2) | ALTRUSA INTERNATIONAL, INC., OF TUCSON
2150 N. Alvernon Way
Applicant: Marion V. Johnson
City #T060-04, Ward 6
Date of Event: 10/8/04
(Fundraiser for Scholarships & Literacy Projects) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
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PUBLIC OPINION: PROTEST FILED

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| (3) | ST. DEMETRIOS GREEK ORTHODOX CHURCH
1145 E. Ft. Lowell Road
Applicant: Susan Parker-Hotchkiss
City #T061-04, Ward 3
Date of Event: 9/23/04
9/24/04
9/25/04
9/26/04
(Fundraising) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
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- (4) ST. MELANY BYZANTINE
CATHOLIC CHURCH
1212 N. Sahuara Avenue
Applicant: Robert A. Rankin
City #T062-04, Ward 6
Date of Event: 10/1/04
10/2/04
(Tucson Slavic Festival)
- Staff Recommendation
Police: In Compliance
DSD: In Compliance

PUBLIC OPINION: PROTESTS FILED

- (5) THE CHURCH OF ST. MICHAEL
AND ALL ANGELS
602 N. Wilmot Road
Applicant: John R. Smith
City #T063-04, Ward 2
Date of Event: 9/24/04
9/25/04
(Fundraiser)
- Staff Recommendation
Police: In Compliance
DSD: In Compliance

- (6) COMITE DE FESTIVIDADES
MEXICANAS
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero
City #T064-04, Ward 1
Date of Event: 9/10/04
9/11/04
9/12/04
(Celebrate Mexican Independence Day)
- Staff Recommendation
Police: In Compliance
DSD: In Compliance
Parks: In Compliance

- (7) TUCSON MUSEUM OF ART
140 N. Main Avenue
Applicant: Charlie E. Bodden
City #T072-04, Ward 1
Date of Event: 9/10/04
(Exhibition Opening, Tony Furtado Concert)
- Staff Recommendation
Police: In Compliance
DSD: In Compliance

6. CONSENT AGENDA ITEMS A THROUGH V

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: TUCSON CODE AMENDING (CHAPTER 6), ADOPTION OF THE 2003 INTERNATIONAL BUILDING AND RESIDENTIAL CODES WITH LOCAL MODIFICATIONS

- (a) Report from City Manager SEPT7-04-476 CITY-WIDE
- (b) Hearing
- (c) Ordinance No. 10035 relating to buildings, electricity, plumbing and mechanical code; amending the Tucson Code Chapter VI, Buildings, Electricity, Plumbing and Mechanical Code, Article III Buildings, Division I Building Code, Section 6-34 Building code adopted, Section 6-36 Amendments to building code, Section 6-38 Residential code adopted; establishing penalties; and declaring an emergency.

The City Manager recommends Mayor and Council adopt the 2003 editions of the International Residential Code and the International Building Code with local modifications.

9. PUBLIC HEARING: TUCSON CODE AMENDING (CHAPTER 13), ADOPTION OF THE 2003 INTERNATIONAL FIRE CODE WITH LOCAL MODIFICATIONS

- (a) Report from City Manager SEPT7-04-478 CITY-WIDE
- (b) Hearing
- (c) Ordinance No. 10036 relating to fire protection and prevention; amending the Tucson Code Chapter XIII, Fire Protection and Prevention, Section 13-3 Code adopted by reference by adopting the 2003 Edition of the International Fire Code with local modifications; amending section 13-6, Violation declared a civil infraction; amending Chapter XI, Article V Interference with Fire Department, Section 11-111 Police Placement of Ropes or Guards, Violation, Section 11-112 Vehicles obstructing progress of fire apparatus; establishing penalties and declaring an emergency.

The City Manager recommends, after receiving comments at the public hearing, adoption of the International Fire Code with local modifications.

10. ZONING: (C9-94-18) SOUTHWEST VALUE PARTNERS – TUCSON BOULEVARD R-1 TO P-I AND I-1, ORDINANCE ADOPTION, REPEAL OF ZONING ORDINANCE

- (a) Report from City Manager SEPT7-04-466 W5
- (b) Ordinance No. 10029 relating to zoning: repealing Ordinance No. 9525 which amended the zoning district boundaries in the vicinity of the northeast corner of Tucson Boulevard and Bilby Road in Case C9-94-18, Southwest Value Partners – Tucson Boulevard, R-1 to P-I and I-1; and declaring an emergency.

11. ZONING: (C9-03-11) DAVERN – SILVERBELL ROAD SR TO R-1, ORDINANCE ADOPTION

- (a) Report from City Manager SEPT7-04-468 W1
- (b) Ordinance No. 10028 relating to zoning: amending zoning district boundaries in the area located on the west side of Silverbell Road, approximately one-half mile north of Ironwood Hill Drive in Case C9-03-11, Davern – Silverbell Road, SR to R-1; and setting an effective date.

12. ZONING: (C9-04-08) MONTEREY HOMES – BONANZA AVENUE, SR TO R-1, CITY MANAGER’S REPORT

- (a) Report from City Manager SEPT7-04-455 W2
- (b) Report from Zoning Examiner dated July 30, 2004
- (c) Request to rezone approximately ten acres from SR (Very Low Density Residential) to R-1 (Low Density Residential) zoning. Applicant: Robin Valenzuela of the Planning Center, on behalf of the property owner, Monterey Homes.

The rezoning site is located on the east side of Bonanza Avenue at Kenyon Drive. The preliminary development plan is for 28 one-story homes for a density of 2.8 units per acre.

Planning Considerations: The applicant’s request is in general compliance with the *Pantano East Area Plan* and the *General Plan*. Subject to the recommended conditions of rezoning, authorization of the requested R-1 zoning is appropriate.

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

1. A subdivision plat in substantial compliance with the preliminary development plan dated July 12, 2004, 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 will be responsible for the dedication or verification of the existence of right-of-way for Bonanza Avenue.
3. The owner/developer shall design and construct improvements along the frontage of Bonanza Avenue, including pavement, curb, lighting and six-foot wide sidewalks.
4. Twenty-five foot radius spandrels shall be dedicated at the intersection of the site access and Bonanza Avenue.
5. All existing curb cuts not being used for vehicular access shall be closed.
6. The Este Wash 100-year floodplain shall be fenced prior to any construction activity.

7. Owner/developer shall provide a public, non-motorized, recreational trail easement over the whole of the 100 year floodplain limits of Este Wash within the subject parcel and including an additional 12 feet along the south west 100 year floodplain limit.
8. The landscape buffers on the south and west boundaries may be augmented with additional drought tolerant indigenous landscape materials, the natural landscape buffer on the south boundary may not be mass-graded. Any utility crossings shall be revegetated to similar vegetative density as existing.
9. Owner/developer shall provide a natural landscape buffer a minimum of 30 feet in width along the east side and a minimum of 25 feet in width along the north side of the subject parcel. Planting density and plant species used in the buffer shall be subject to approval by the Parks and Recreation Department. Native trees shall be planted a maximum of 30 feet apart in the buffer. An irrigation system shall be installed in the buffer.
10. Provide convenient internal pedestrian access to Case Park.
11. Fully dimensioned elevations shall be provided at the time of subdivision plat review by CDRC. Materials submitted with the subdivision plat for review by the Community Design Review Committee (CDRC) shall demonstrate compatibility with surrounding residential developments for elements including screen walls, landscaping, rooflines, colors, materials, and architectural design.
12. No more than 28 homes will be constructed on the site.
13. All lots shall be restricted to one-story.
14. A handicap accessible recreation area shall be provided in the subdivision.
15. The landscape plan shall demonstrate how the placement, height and design of all walls and landscaping will mitigate the light trespass from vehicles exiting the site.
16. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
17. Four (4) inch fence block shall not be used for perimeter walls.

18. The design of walls adjacent to Case Park shall require the approval of the Parks and Recreation Department.
19. Owner/developer shall provide a four (4) inch extension of the potable water main located near the southwest corner of the subject parcel to the southwest corner of Case Park along Bonanza Avenue. If the owner/developer is unable to locate the water main in public right-of-way, a public easement 12 feet in width shall be provided for the water main extension.
20. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
21. 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.
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 implement and effectuate all Code requirements and conditions of rezoning.

Five (5) written approvals and thirty-eight (38) written protests have been received for this case. Seventeen (17) of the protests are within the 150 foot area, representing a 68.8 percent protest by area to the west, 26.9 percent protest by area to the south, 11.4 percent protest by area to the east, and zero percent protest by area to the north.

Because the protest level exceeds 20 percent to the west, and south, a three-fourths majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

13. ZONING: (C9-03-20) BRAKE MAX – SWAN ROAD, C-1 TO C-2, ORDINANCE ADOPTION

- (a) Report from City Manager SEPT7-04-463 W2
- (b) Ordinance No. 10027 relating to zoning: amending zoning district boundaries in the area located approximately 450 feet west of the northwest corner of Camp Lowell Drive and Swan Road in Case C9-03-20, Brake Max – Swan Road, C-1 to C-2; and setting an effective date.

14. ZONING: (C9-04-10) D.R. HORTON – WILMOT ROAD, SH/C-2 TO R-2, CITY MANAGER’S REPORT

- (a) Report from City Manager SEPT7-04-469 W4
- (b) Report from Zoning Examiner dated August 20, 2004
- (c) Request to rezone approximately 43.11 acres from SH (Low Density Large Lot Residential) and C-2 (General Commercial) to R-2 (Medium Density Residential) zoning. Applicant: Michael Marks of MJM Consulting, Inc., on behalf of the property owner, Sonenblick First Family Ltd. Partnership and Western Partners Tucson L.L.C.

The rezoning site is located at the southeast corner of Wilmot Road and Interstate 10. The preliminary development plan proposes 261 one and two-story single-family residences for a density of 6.1 residences per acre.

Planning Considerations: The applicant’s request is in general compliance with the *Rincon Southeast Subregional Plan* and the *General Plan*. Subject to the recommended conditions of rezoning, authorization of the requested R-2 zoning is appropriate.

The Zoning Examiner recommends approval of R-2 zoning. The City Manager recommends approval of the R-2 zoning subject to the following conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated May 18, 2004, 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 be responsible for the design and construction of the east half of a typical four (4) lane *Major Streets & Routes Plan* cross-section along the entire Wilmot Road frontage of the site. Said improvements shall provide for left turn movements into the site.
3. A 100-year storm capacity reinforced concrete box culvert shall be constructed beneath both the existing and new road improvements.
4. A 10-foot wide common area landscape border shall be provided along any portion of the northern boundary line adjacent to Interstate 10. The landscape border shall include 24-inch box canopy trees planted 25 feet on center.
5. A six-foot high masonry wall shall be constructed along the entire north property boundary adjacent to the I-10 frontage road on the development side of the landscape border.
6. Four (4) inch fence block shall not be used for perimeter walls.
7. Canopy trees shall be planted within ten feet of the street-side property boundary on each lot to provide shade along the pedestrian walkways.
8. The applicant shall provide disclosure statements to all prospective homebuyers regarding the location of the prison, the landfill and the El Paso Natural Gas line easement on the site.
9. A Declaration of Avigation Easement and Waiver shall be executed and recorded.
10. A maximum of three access points on Wilmot Road as shown on the preliminary development plan. Access to I-10 is not permitted.
11. Written documentation from El Paso Natural Gas Company shall be provided allowing construction of the access road across the gas easement.
12. All pedestrian paths within recreational and open space areas shall connect to the required on-site sidewalks.
13. All recreation areas shall include passive and active recreational amenities, including but not limited to playground equipment, tot lots, basketball courts and two 24' x 24' shade structures with picnic tables and barbecue facilities.

14. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
15. 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.
16. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
17. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
18. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
19. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

One (1) written approval and one (1) written protest have been received for this case.

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

15. ZONING: (C9-00-34) HUNSBERGER - ROGER ROAD MH-1 TO C-2, ORDINANCE ADOPTION

- (a) Report from City Manager SEPT7-04-457 W3
- (b) Ordinance No. 10030 relating to zoning: amending zoning district boundaries in the area located on the southwest corner of Fairview and Roger Road in Case C9-00-34, Hunsberger – Roger Road, MH-1 to C-2; and setting an effective date.

16. INTERGOVERNMENTAL AGREEMENT: WITH THE VAIL SCHOOL DISTRICT FOR ACQUISITION OF RIGHT OF WAY FOR THE CIENEGA ROAD IMPROVEMENT PROJECT

- (a) Report from City Manager SEPT7-04-470 W4
- (b) Resolution No. 19924 relating to Intergovernmental Agreements; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Vail School District for the Cienega Road Improvement Project; and declaring an emergency.
- (c) Resolution No. 19925 relating to real property; authorizing the City Manager to acquire by negotiation, and the City Attorney to condemn if necessary certain right-of-way for the Cienega Road Improvement Project; and declaring an emergency.

17. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager SEPT7-04-456 CITY-WIDE

18. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, September 13, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.