



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, SEPTEMBER 20, 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 – Father Charlie Knapp, Our Mother of Sorrow’s Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- (a) Proclamation – Proclaiming September 25, 2004 to be International Ataxia Awareness Day.
- (b) Recognition of Ray Murray, as an “Extraordinary Employee and Citizen”.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager SEPT20-04-502 CITY-WIDE

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

- (a) Report from City Manager SEPT20-04-503 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

(a) Report from City Manager SEPT20-04-501 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

(1) RED SKY CAFE 2910 N. Swan Road, Ste 100 & 101 Applicant: Steven S. Schultz City #043-04, Ward 2 Series #12 Action must be taken by: 9/12/04	<u>Staff Recommendation</u> Police: In Compliance DSD: DENIED Revenue: In Compliance
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(2) PANCHO VILLA’S GRILL 401 E. 5th Street Applicant: Rafael L. Solis City #047-04, Ward 6 Series #12 Action must be taken by: 9/27/04	<u>Staff Recommendation</u> Police: In Compliance DSD: DENIED Revenue: In Compliance
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PUBLIC OPINION: SUPPORT FILED

(3) GREAT AMERICAN STEAKBURGER 9431 E. 22nd Street, Ste 157 Applicant: David W. Ogle City #051-04, Ward 2 Series #12 Action must be taken by: 10/1/04	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Revenue: In Compliance
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(4) SAM HUGHES PLACE 446 N. Campbell Avenue Applicant: Steven J. Nissen City #052-04, Ward 6 Series #12 Action must be taken by: 10/3/04	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Revenue: In Compliance
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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)

- (1) SALPOINTE CATHOLIC HIGH SCHOOL
1545 E. Copper Street
Applicant: Margaret L. Felici-Gessner
City #T067-04, Ward 3
Date of Event: 10/9/04
(Reunion Banquet Class of 1954)
- Staff Recommendation
Police: In Compliance
DSD: In Compliance

**PUBLIC OPINION: PROTESTS FILED
SUPPORT FILED**

- (2) SALPOINTE CATHOLIC HIGH SCHOOL
1545 E. Copper Street
Applicant: Margaret L. Felici-Gessner
City #T068-04, Ward 3
Date of Event: 11/6/04
(Honor Sports Hall of Fame Inductees)
- Staff Recommendation
Police: In Compliance
DSD: In Compliance

**PUBLIC OPINION: PROTESTS FILED
SUPPORT FILED**

- (3) SALPOINTE CATHOLIC HIGH SCHOOL
1545 E. Copper Street
Applicant: Margaret L. Felici-Gessner
City #T069-04, Ward 3
Date of Event: 4/16/05
(Honor Distinguished Alumni)
- Staff Recommendation
Police: In Compliance
DSD: In Compliance

**PUBLIC OPINION: PROTESTS FILED
SUPPORT FILED**

- (4) ARIZONA THEATRE COMPANY
330 S. Scott Avenue
Applicant: Eileen M. Bagnall
City #T074-04, Ward 6
Date of Event: 10/2/04
(Annual Benefit)
- Staff Recommendation
Police: In Compliance
DSD: **Review in process**

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| <p>(5) OPTIMIST CLUB OF THE
TUCSON AREA
900 S. Randolph Way
Applicant: Esthermarie Hillman
City #T077-04, Ward 6
Date of Event: 9/30/04
10/1/04
10/2/04
10/3/04
(Oktoberfest)</p> | <p><u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks: In Compliance</p> |
| <p>(6) BPO ELKS NR 385
2404 E. River Road
Applicant: Alfred W. Griffis
City #T086-04, Ward 3
Date of Event: 9/25/04
(Oktoberfest)</p> | <p><u>Staff Recommendation</u>

Police: In Compliance
DSD: Review in process</p> |

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 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 7) - RELATING TO CHANGES TO THE PEDDLERS ORDINANCE

- (a) Report from City Manager SEPT20-04-511 CITY-WIDE
- (b) Hearing on the adoption of changes to the Peddlers Ordinance
- (c) Ordinance No. 10041 relating to business license and occupational license tax; amending Tucson Code, Chapter 7, Article II, relating to Peddlers providing for licensing and operational requirements for Peddlers; amending Section 19-31 to add an occupational license tax on Peddlers; and declaring an emergency

The proposed ordinance includes an April 1, 2005 effective date.

9. ZONING: (C9-04-14) HUNTER – VALENCIA ROAD P-I TO C-2 CITY MANAGER’S REPORT

- (a) Report from City Manager SEPT20-04-507 W5
- (b) Report from Zoning Examiner dated September 3, 2004
- (c) Request to rezone approximately 1.95 acres from P-I (Park Industrial) to C-2 (General Commercial) Applicant Janette M. Hunter, on behalf of the property owners, James and Janette Hunter.

The rezoning site is located on the northwest corner of Valencia Road and Tucson Boulevard. The preliminary development plan proposes a 4,924 square foot office and maintenance building for a transportation service, vehicle rental facility and commercial parking lot.

Planning Considerations: Redevelopment of this site is supported by the pertinent policies of the *Kino Area Plan*, *General Plan*, and the *Airport Environs Plan*. Subject to compliance with the attached preliminary conditions, authorization of the requested C-2 zoning is appropriate.

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

1. A development plan in substantial compliance with the preliminary development plan dated June 14, 2004, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.

2. All structures and vegetation shall not exceed 50 feet above the elevation at the northeast end of the crosswind runway (elevation of 2,622 feet M.S.L. (mean sea level)).
3. There shall be no freestanding walls or fences along Valencia Road and Tucson Boulevard. Along Tucson Boulevard and Valencia Road the property shall incorporate an “invisible fence” concept using boulders and concrete bollards as described in the Design Compatibility Report.
4. The color scheme for all on-site signage shall match the building colors. Freestanding signs are to be integrated into the overall landscape plan. Colored details of all signs are to be submitted as a part of the development plan.
5. All dumpsters shall be screened with a minimum six foot high wall, canopy trees, and ground vegetation. The canopy trees shall be a minimum of 15-gallons in size.
6. 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.
7. 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.
8. There shall be a minimum 40 canopy trees on site located substantially as depicted on the preliminary development plan. All new trees shall be 24 inch box size at the minimum. The bus stop shall be additionally shaded with a minimum of at least one 15-gallon canopy tree located on the east and west side of the bus stop.
9. Building facades of the proposed enclosed drive-thru area are to be designed with attention to architectural character and detail comparable to the existing building. It shall have a consistent design treatment, including but not limited to, comparable color palette, rooflines, and materials. Dimensioned elevation drawings are to be submitted as a part of the development plan.

10. Four (4) inch fence block shall not be used for perimeter walls.
11. 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.
12. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
13. "Safe by Design" concepts shall be incorporated in the subdivision plat 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. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

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

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

10. ZONING: (C9-00-04) TUCSON MEDICAL CENTER – HOUGHTON ROAD, R-1 ZONING, CHANGE OF CONDITION AND ORDINANCE ADOPTION

- (a) Report from City Manager SEPT20-04-512 W4
- (b) This is a request for a change of condition for property located on the west side of Houghton Road south of Golf Links Road. Applicant: James C. Summerset of AmericaBuilt Communities. The original rezoning request was adopted by Ordinance No. 9829 rezoning the subject property from SR to R-1 zoning.

The applicant is proposing a ten foot (instead of 20) front yard setback on two of the 31 lots in the 17.5 acre subdivision.

- (c) Ordinance No. 10042 relating to zoning: amending Ordinance No. 9829 to amend zoning condition 1.a for the area located on the west side of Houghton Road approximately 650 feet south of Golf Links Road in Case C9-00-04, Tucson Medical Center – Houghton Road, SR to R-1; and declaring an emergency.

The City Manager recommends that the proposed ordinance be adopted including the following conditions:

Amended text is underlined.

1. A subdivision plat, in substantial compliance with the Preliminary Development Plan, Preliminary Grading Plan, Design Compatibility Report and Environmental Resource Report, is to be submitted for review and approval in accordance with Section 4.1.1 of the *LUC*, including, but not limited to:
 - a. Building heights are limited to eighteen (18) feet and one-story. Grade differentials (+/- 1 foot) between Austin Point and Rancho Sante Fe pads shall be as shown on the rezoning exhibit prepared by Presidio Engineering dated May 19, 2000. The location of each pad shall have a setback of twenty (20) feet from the front of the lot except that lots #19 and #20 may have a setback of ten (10) feet from the front of the lots.
 - b. All lots shall be deed restricted to one dwelling unit per lot.
 - c. All houses within this development shall have a minimum floor area of 1500 square feet.
 - d. All mechanical equipment shall be ground-mounted and screened with vegetation or a low wall.
 - e. The character of the subdivision shall be compatible with the adjacent subdivisions. All pitched roof surfaces shall be finished with concrete tile. All buildings and accessory structures shall be painted with desert hue tones.
 - f. Traffic calming techniques shall be incorporated into the street design.
 - g. A six (6) foot high decorative masonry wall shall be constructed along the west boundary except in the undisturbed natural area. Additionally, a minimum of ten (10) foot landscape buffer shall be provided on the outside wall perimeter. Landscaping shall consist of indigenous plant material.

- h. Rear walls shall be constructed along the southern property boundary as shown on the rezoning exhibit. These walls shall be approximately five (5) feet in height.
 - i. All landscaping along Houghton Road and the interior subdivision street shall consist of indigenous plant material.
 - j. The new slope along the southern property boundary as shown on the rezoning exhibit shall either be conveyed to the Homeowner's Association or a slope easement recorded to protect the slope. The Homeowner's Association shall be responsible for maintaining the slope. The slope shall be left undisturbed after modification in accordance with the City of Tucson's guidelines and the geotechnical report recommendations for the stabilization of the slope. The slope on the south property line will vary in steepness from approximately 1:1 to 1:3. Steeper slopes will be stabilized with either grouted native rip-rap or hand placed rip-rap. Less steep slopes will be planted with native, low profile plants. All slopes will be hydroseeded with native flowers and grasses to help control erosion. All slopes will be graded to undulate without hard engineered lines to simulate a natural grade.
2. The owner/developer shall dedicate right-of-way for Houghton Road per the *Major Streets and Routes Plan*.
 3. The owner/developer shall make the necessary roadway improvements to Houghton Road per the requirements of the City Engineer.
 4. The owner/developer shall agree to financially participate in the construction of a box culvert under Houghton Road. The contribution amount by this development shall be approximately 25 percent of the cost of the box culvert. The funds shall be made available upon completion of the development, if the box culvert construction is delayed.
 5. The owner/developer shall establish the area within the 100-year floodplain as undisturbed open space. A covenant shall be recorded with the final plat indicating that the 100-year floodplain area will remain undisturbed and that no walls, fences or other improvements shall be permitted in the 100-year floodplain area.
 6. Development of the property adjacent to the Eastview Wash tributary shall be subject to the requirements of the Watercourse Amenities, Safety and Habitat (WASH) Ordinance.

7. Site grading shall be kept to a minimum. Only the minimum amount of grading shall be permitted to develop the roadway and to site the individual houses.
8. A drainage report shall be submitted for review and approval, including retention/detention calculations/requirements.
9. Water harvesting techniques shall be utilized by conveying rooftop, parking area access lane (PAAL), and parking area drainage to designated water harvesting areas.
10. 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.
11. All outdoor lighting shall be directed down and away from residential parcels and public roadways. Low level street lighting shall be allowed, such as lights with a mailbox enclosure, carriage or post lights.
12. An on-the-ground survey by a qualified archeologist shall be performed before any ground modification, and if any remains are found, a data recovery program approved by the Arizona State Museum shall be performed. Any archeological/cultural remains encountered during ground modification activities shall be mitigated in accordance with guidelines provided by the Arizona State Museum.
13. All areas identified as floodplain or undisturbed open space shall be fenced off and protected prior to any on-site development activity.
14. The U. S. Fish and Wildlife Service guidelines regarding the Cactus Ferruginous Pygmy Owl shall be followed.
15. The Arizona Game and Fish Department guidelines regarding raptors, bats, gila monsters, and special status plants and animals shall be followed.
16. "Safe by Design" concepts shall be incorporated into the subdivision plat for review by the Tucson Police Department.
17. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

18. Compliance with all Code requirements and conditions of rezoning by September 5, 2005.

Fifty-three (53) written approvals and forty-nine (49) written protests have been received for this case. Ten (10) of the protests lie within the 150 foot protest area resulting in a protest by area of 19.5 percent to the south, 5.3 percent to the north, 3.3 percent to the west, and zero percent to the east. The protests generally allude to density and traffic on Houghton Road.

The protests relating to Ordinance 9829 are still valid. A simple majority vote will be necessary to adopt the ordinance as presented.

11. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager SEPT20-04-504 CITY-WIDE

12. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, September 27, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.