



## 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](http://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](http://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**

<b>José J. Ibarra</b>	<b>Ward 1</b>	<b>Shirley C. Scott</b>	<b>Ward 4</b>
<b>Carol W. West</b>	<b>Ward 2</b>	<b>Steve Leal</b>	<b>Ward 5</b>
<b>Kathleen Dunbar</b>	<b>Ward 3</b>	<b>Fred Ronstadt</b>	<b>Ward 6</b>

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](http://www.tucsonaz.gov/agdocs), 9<sup>th</sup> 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, NOVEMBER 8, 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 – Senior Pastor Lupe Rodriguez, Agape Christian Fellowship

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

(a) Report from City Manager NOV8-04-631 CITY-WIDE

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

(a) Report from City Manager NOV8-04-632 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

(a) Report from City Manager NOV8-04-623 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

(1)	CLAIM JUMPER RESTAURANT 3761 E. Broadway Blvd. Applicant: Amy S. Nations City #077-04, Ward 6 Series #12 Action must be taken by: November 18, 2004	<u>Staff Recommendation</u>  Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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**PUBLIC OPINION: SUPPORT 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 the community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

Location Transfer(s)

(2)	FRYS FOOD & DRUG #90 8080 S. Houghton Road Applicant: Stephen M. McKinney City #073-04, Ward 4 Series #9 Action must be taken by: November 11, 2004	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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**PUBLIC OPINION: SUPPORT FILED**

NOTE: For a location transfer, Mayor and Council may consider the applicant’s capability, qualifications, reliability and location issues.

(c) Special Event(s)

(1)	TUCSON COMMUNITY SCHOOL, INC. 3201 E. Presidio Road Applicant: Catherine L. Mahoney City #T097-04, Ward 3 Date of Event: 11/20/04 (Raise money for programs)	<u>Staff Recommendation</u> Police: In Compliance DSD: In Compliance
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**6. CONSENT AGENDA – ITEMS A THROUGH F**

**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: LOS REALES NUMBER TWO ANNEXATION DISTRICT**

- (a) Report from City Manager NOV8-04-630 W5

This item is being continued to November 15, 2004 at the request of staff.

**9. ZONING: (C9-99-25) CHICAGO TITLE AND TRUST NO. 12151 - ALVERNON WAY I-1 TO R-1, ORDINANCE ADOPTION**

- (a) Report from City Manager NOV8-04-629 W5

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

**10. ZONING: (C9-96-01) TACK ROOM – SABINO CANYON ROAD, C-1 ZONING, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION (CONTINUED FROM MEETING OF OCTOBER 25, 2004)**

- (a) Report from City Manager NOV8-04-621 W2
- (b) This is a request for a change of conditions to allow residential development of the Tack Room site located between Placita Rancho La Cholla and Vuelta Rancho Mesquite. The revised preliminary development plan is for 20 single family detached residential units on 3.85 acres. Applicant: James C. Summerset on behalf of the property owner, AmericaBuilt Construction.
- (c) Ordinance No. 10068 relating to zoning: amending Ordinance No. 8991 to amend conditions in the area located approximately 1,300 feet east of Sabino Canyon Road in Case C9-96-01, Tack Room – Sabino Canyon Road, C-1; and declaring an emergency

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

1. A subdivision plat, in substantial compliance with the preliminary development plan dated September 20, 2004, submitted and approved in accordance with Section 4.1.1. of the *LUC*, including but not limited to:
  - a. Any required or proposed masonry perimeter wall shall be constructed of or painted with graffiti-resistant materials incorporating one or more of the following features: (1) two or more surface textures, (2) two or more colors which are complimentary to the overall project, or (3) decorative cap block. Where the rezoning site is adjacent to private streets serving the proposed residential development, a five-foot-high wrought iron or similar fence may be substituted, if permitted by Code.
  - b. The local street cross-section within the subdivision shall be designed to accommodate on-street parking on both sides of the street unless parking is provided in common areas distributed throughout the subdivision at a ratio of one parking space per dwelling within the subdivision.
  - c. New development shall be similar to the surrounding residential developments. Compatibility shall be demonstrated for elements including but not limited to: screen walls, landscaping, rooflines, colors, materials, and architectural design. Dimensioned elevation drawings with proposed colors and materials are to be submitted as a part of the development plan. Color photographs of surrounding properties are to accompany the development plan.
  - d. All residences shall be one story in height.
  - e. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
  - f. Incorporate "Safe by Design" concepts in the subdivision plat for review by the Tucson Police Department.
2. All trees with a caliper of four inches or greater, including saguaro cacti and ocotillos shall be preserved or relocated within the development. The applicant shall note these trees on the landscape preservation plan. The applicant shall demonstrate that all attempts were made to preserve the trees and only at last resort relocate the trees.

3. Drainageways and detention basins are to use earthen bottoms, where permitted by the City Engineer, and existing vegetation along the margins of drainageways and detention basins is to be preserved in place, where permitted by the City Engineer. Where existing vegetation cannot be preserved in place, it is to be replanted with appropriate native species.
4. Four (4) inch fence block shall not be used for perimeter walls.
5. The "boot" shaped monument sign identifying the entrance to the Tack Room on Sabino Canyon Road shall be preserved in place, provided it can be permitted as an off-site sign and be allowed to remain within the road right-of-way. No signage, other than the existing boot-shaped monument, is to be visible from adjacent existing or proposed residential uses. Prior to approval of the development plan, the applicant must obtain a Temporary Revocable Easement from the Engineering Department in order to allow the "boot" sign to remain in the Sabino Canyon Road right-of-way and release the City from liability for the easement.
6. 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.
7. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development will be at no expense to the public.
8. The owner/applicant shall record a final plat by November 8, 2009.
9. A minimum of one fifteen (15) gallon canopy tree, no more than ten feet from the back of the sidewalk, shall be located on every lot.
10. The owner/developer shall hold a meeting to offer the surrounding homeowner associations within one mile of the site a review of the proposed tentative plat and the development plan. Documentation of the meeting with the homeowner associations, including invitations, sign-in sheet, and minutes, shall be provided with the CDRC submittal.

11. The subdivision shall have a designated common area that can be used as an active or passive recreational amenity. At minimum, the common area shall consist of shade trees, picnic tables, and barbecue. The recreational amenity shall be handicapped accessible and be visible from a maximum number of homes.
12. The owner / developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in the required capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
13. The owner / developer shall fund, design and construct all necessary on-site sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
14. If the Tack Room sign is ever proposed to be taken down, the applicant shall contact the Arizona Historical Society and other possible interested parties, regarding their desire for the sign.
15. The applicant shall do an eligibility determination for the National Register regarding the existing structure on the property.
16. If the structures are eligible for the National Register, the applicant shall provided official National Register documentation prior to demolition.

Updated approval/protest calculations are as follows: Zero (0) written approvals and five (5) written protests have been received. The approval/protest figures are provided for information only. Because the rezoning ordinance for this site has already been adopted, state law regarding protests and voting requirements does not apply. A simple majority vote will be required to adopt the proposed ordinance changing the conditions of zoning

**11. ZONING: (C9-03-24) ABRAMS/ACEDO – FOURTH STREET, R-1 AND R-2 TO R-2, CITY MANAGER’S REPORT (CONTINUED FROM MEETING OF NOVEMBER 1, 2004)**

- (a) Report from City Manager NOV8-04-620 W6
- (b) Report from Zoning Examiner dated May 7, 2004
- (c) Request to rezone approximately 1.45 acres from R-1 and R-2 (Low Density Residential/Medium Density Residential) to R-2 (Medium Density Residential) zoning. Applicant: Eric Abrams of The Stanley Group on behalf of the property owners, Stanley Abrams and Richard Acedo of Fourth Street Guys, LLC.

The rezoning site is located on the south side of Fourth Street between Richey Boulevard and Dodge Boulevard. The preliminary development plan proposes 11 one and two-story single-family detached residences for a density of approximately 7.6 residences per acre using the Residential Cluster Project development option.

Planning Considerations: The main part of the rezoning site is a 427 foot by 132 foot rectangle running north-south on the south side of Fourth Street between Dodge Boulevard and Richey Boulevard. A 30 foot wide by 161 foot long strip of land provides access to Fifth Street. The site was previously developed with a single-family residence that has been removed. The rezoning site has split zoning with R-2 on the north approximately 300 feet of the site and R-1 zoning on the balance. If developed under the existing zoning, the rezoning site could be approved for nine or possibly ten residences, depending on the design of the project. Therefore, this rezoning is requested in order to build one or two more units than currently allowed.

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

1. A subdivision plat in substantial compliance with the preliminary development plan dated March 25, 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 submit the proposed tentative plat and the development plan to the Miramonte Neighborhood Association no less than ten (10) days prior to the CDRC submittal. The applicant shall submit documentation confirming the neighborhood association submittal with the CDRC submittal.
3. The R-1/R-2 zoning line shall be shown on the tentative plat. Lots within existing R-1 zoning shall not exceed one story in height, not to exceed eighteen (18) feet.
4. The retention/detention area is to be designed as usable passive and/or active open space, to include at a minimum two (2) park benches. The sitting area must also be made handicapped accessible utilizing a minimum five (5) foot wide, all-weather path constructed of either asphalt or concrete, connecting to the internal pedestrian path/sidewalk of the subdivision.
5. Buildings and landscaping to be designed to be architecturally consistent with the surrounding area. Dimensioned elevation drawings with proposed colors and materials (consistent with those submitted as a part of the rezoning application) are to be submitted as a part of the development

- plan. Color photographs of surrounding properties are to accompany the tentative plat.
6. Free standing signs to be integrated into the overall landscape plan. Details of signs are to be submitted as a part of the development plan.
  7. A six (6) foot tall wall shall be provided on the west property line.
  8. All one story buildings shall be setback a minimum of 14 feet from the west property line. All two-story buildings shall be setback a minimum of 18 feet from the west property line.
  9. All walls visible from streets 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.
  10. Dedication, or verification of existence of right-of-way per the *Major Streets and Routes Plan* along the site frontage on 5<sup>th</sup> Street to a line 45 feet north of and parallel with the centerline of 5<sup>th</sup> Street.
  11. Vehicular access to 5<sup>th</sup> Street shall be designed for one-way traffic southbound and include a diverter at the south end to only allow right turns onto 5<sup>th</sup> Street. The developer shall be responsible to provide the appropriate signage, including signage to limit access to 5<sup>th</sup> Street to emergency and service vehicles only.
  12. Sidewalks, curb returns and curb access ramps shall be constructed as needed along 4<sup>th</sup> Street.
  13. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
  14. 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.

15. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
16. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Two (2) written approvals and six (6) written protests have been received. Six of the protests are within the 150 foot protest area, representing a 37.8 percent protest by area to the east, a 37.2 percent protest by area to the south, a 12.2 percent protest by area to the west, and zero percent protest by area to the north. The protests generally allude to increased vehicular activity adjacent to existing residences, traffic safety, building heights, and views.

A simple majority vote is required to authorize this rezoning request. Because the protest level exceeds 20 percent to the east, 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.

## **12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager NOV8-04-622 CITY-WIDE

## **13. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, November 15, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W Alameda, Tucson, Arizona.