



## 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 Tuesdays 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**  
**Kathleen Dunbar – 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. In addition, replays of the meetings are cablecast on Tucson 12 as follows:  
 Wednesdays – 9:00 p.m.                      Thursdays – 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

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting, which will be open to the public:

## REGULAR MEETING

**TUESDAY, MARCH 1, 2005 – 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 Sorrows Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

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

a. Report from City Manager MARCH1-05-88 CITY-WIDE

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

a. Report from City Manager MARCH1-05-89 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

- a. Report from City Manager MARCH1-05-86 CITY-WIDE
- b. Liquor License Applications

New License

- 1. La Placita Café, Ward 2  
2950 N. Swan Road #131  
Applicant: Yongsöo Seo  
Series 12, City 05-05  
Action must be taken by: March 10, 2005

Staff has indicated the applicant is in compliance with city requirements.

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

- 1. Arizona Historical Council, Ward 6  
Southern Arizona Division - Docent Council  
949 E. 2nd Street  
Applicant: Armand M. Ronstadt  
City T02-05  
Date of Event: March 15, 2005  
Raise funds for Docent Council – Education Department

Staff has indicated the applicant is in compliance with city requirements.

- 2. Chicanos Por La Causa Tucson, Ward 1  
3700 S. La Cholla Blvd.  
Applicant: Otilia Arvizu  
City T03-05  
Date of Event: April 2, 2005  
Fundraising Event

Staff has indicated the applicant is in compliance with city requirements.

3. North Fourth Avenue Merchants Assoc., Ward 6  
329 E. 7th Street  
Applicant: Daniel G. Matlick  
City T04-05  
Date of Event: March 18 through March 20, 2005  
Fundraising Civic Event

Staff has indicated the applicant is in compliance with city requirements.

4. Arizona Sonora Desert Museum, Ward 1  
140 N. Main Avenue  
Applicant: Amy Hartmann  
City T07-05  
Date of Event: March 3, 2005  
Art Opening

Staff has indicated the applicant is in compliance with city requirements.

5. Greater Tucson Leadership, Ward 1  
288 N. Church Avenue  
Applicant: Dave Chandler  
City T10-05  
Date of Event: March 12, 2005  
Fundraise for Youth Leadership

Staff has indicated the applicant is in compliance with city requirements.

## 6. CONSENT AGENDA – ITEMS A THROUGH Q

**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: ZONING C9-95-06 SERO DEVELOPMENT – 22ND STREET RX-1 TO C-2 ZONING, CHANGE OF CONDITIONS**

- a. Report from City Manager MAR1-05-98 WARD 2
- b. Hearing on a request for a change of conditions and preliminary development plan for property located on the north side of 22<sup>nd</sup> Street approximately 300 feet east of Prudence Road. Applicant: Linda Morales of the Planning Center on behalf of the prospective property owner, KB Home.

The revised preliminary development plan is for 173 single-family, two-story units on approximately 21 acres in lieu of the previously authorized automobile dealership, retail and commercial uses, and 224 apartments.

The City Manager recommends approval of the requested change of conditions and preliminary development plan subject to the following conditions.

The recommended conditions are based on the rezoning conditions adopted by Mayor and Council May 1, 2000. Within the text of the conditions, new text is underlined, deleted text is ~~strikethrough~~.

- 1. An approved development plan for the entire site as depicted in the revised preliminary development plan dated November 18, 2004 and the Design Compatibility Report, ~~which may include phasing of the entire site~~, is to be submitted for review and approval in accordance with Section 5.3.8 of the Tucson Land Use Code (LUC) including, but not limited to:
  - a. No more than ~~four (4)~~ two (2) points of vehicular access to 22nd Street.

- b. Provide an integrated pedestrian circulation system for the entire site.
  - c. Provide an integrated landscaping plan for the entire site.
  - d. Existing billboards to be identified on the development plan as "To Be Removed."
2. Removal of any billboards located within the entire site prior to the issuance of any building permit.
  3. ~~A category I traffic impact analysis (TIA) study for the entire site, addressing the number and location of access points onto 22<sup>nd</sup> Street, on-site circulation, and modifications to the median openings on 22<sup>nd</sup> Street. Traffic study to include how any needed improvements are to be phased in conjunction with the development of the entire site. In lieu of the traffic study, construct a right turn lane for the entire frontage of the development, relocate the existing median opening near the west property line further west to provide joint access to Payless Cashways from this parcel, and construct a new median opening at the main drive to this development. The median openings and modifications shall be completed in the first phase of the development. The Developer shall provide infrastructure improvements at the access points to the development as recommended by the TIA.~~
  4. A master drainage report for the entire site, including details of detention/retention, is required.
  5. A concept grading plan for the entire site.
  6. Installation of an additional 12 feet of pavement and the north curb and sidewalk for the entire 22<sup>nd</sup> Street frontage.
  7. ~~Provision of two 35-foot-wide parking area access lanes (PAALs), one of which must provide direct access to the proposed apartment area on the northern portion of the overall site. Monument signs are to be integrated into the overall landscape plan. Details of signs are to be submitted as a part of the tentative plat.~~
  8. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development will be at no expense to the public.
  9. Compliance with all Code requirements and conditions of rezoning by May 1, 2005.

10. The secondary off site access easement onto Prudence Road shall be designed to minimized cut through traffic from 22<sup>nd</sup> Street. New development shall complement the surrounding residential developments. Compatibility shall be demonstrated for elements including, but not limited to: screen walls, landscaping, rooflines, colors, materials, and architectural design. Elevation drawings with proposed colors, materials, and varied rooflines are to be submitted as a part of the tentative subdivision plat. Sample lot layouts showing a variety of building footprints shall be submitted. To avoid monotony of the streetscape, no two models with the same elevation may be built side by side. Color photographs of surrounding properties are to accompany the tentative subdivision plat.
11. Outdoor lighting shall be shielded and directed away from adjacent residential uses. Outdoor light poles shall not exceed twenty (20) feet in height when located in both the auto stock parking area and the parking area located adjacent to and north of the 17,000 square foot retail building. Screen walls adjacent to the Pantano River Park shall be designed as “view walls.” View walls shall be a minimum of 80 percent open and shall be constructed of wrought iron or other similar attractive open fencing material above three (3) feet above grade.
12. A separation of the on-site commercial and residential traffic shall be created with a linear landscape buffer along the eastern boundary of the centralized PAAL. Landscape buffer shall be a minimum ten (10) foot wide, with no more than three points of access from the eastern retail/commercial parking area onto the centralized PAAL. To enhance public safety and reduce the incidences of crime, “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
13. A minimum ten (10) foot wide landscape buffer with canopy trees and a masonry wall of no less than five (5) feet in height shall be provided between the auto stock parking area and the proposed apartment complex. All walls visible from a public right-of-way (adjacent residential) are to be graffiti-resistant and incorporate one or more visually appealing design treatments, such as; the use of two 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 shrubbery in voids created by wall variations.
14. A pedestrian link shall be provided in the required pedestrian circulation design that connects to the existing pedestrian gate designed as part of the adjacent apartment complex to the north and provide, at appropriate locations, two pedestrian links from the proposed apartment complex onto the Pantano Wash boundary. The owner/developer shall provide

pedestrian access to the riverpark from the northeast corner of the subject property.

15. No outdoor public announcement systems shall be allowed on auto dealership within development site. Amenities within parks/common areas/detention areas shall include park benches and/or picnic tables, barbecues, playground equipment, or similar passive/active equipment that can be used by residents. These areas will be made ADA accessible with a minimum five- (5) foot wide path constructed of either stabilized decomposed granite, asphalt, or textured concrete.
16. Maximize waterharvesting to satisfy the LUC 3.7.4.3 and 3.7.4.5. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
17. Rooftop, Parking Area Access Lane (PAAL) and parking area drainage shall be conveyed to waterharvesting areas. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
18. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
19. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
20. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the detention/retention basin perimeter. Chain link fencing not allowable for barrier.
21. The pedestrian circulation path must be free from inundation during runoff from a ten-year storm.
22. Provision of, or confirmation of the existence of, a six-foot (6') wide sidewalk along the entire 22<sup>nd</sup> Street frontage.
23. Dedication of 30 foot radius spandrels at intersections of access streets and 22<sup>nd</sup> Street.
24. Close any existing curb cuts that will not be used for vehicular access.

25. The owner/developer shall provide 1) an in-lieu fee, for development of the Pantano Riverpark, of \$98,950, payable at the time the permit for the first housing unit is issued for the project; 2) 20,000 cubic yards of earth delivered to the Pantano River Park site (adjacent to the project) placed and compacted per the direction of the City and County Parks departments.
26. If the owner/developer is required to construct bank protection, owner/developer shall also construct a pedestrian ramp notched into the south end of the bank protection, and extended under the 22<sup>nd</sup> Street bridge and if a ramp exists south of 22<sup>nd</sup> Street, connecting to the ramp south of the 22<sup>nd</sup> Street bridge.
27. Conveyance of drainage discharges from the subject property across the Pantano Riverpark shall require the approval of the City of Tucson Parks and Recreation and Pima County Natural Resources, Parks and Recreation departments. Drainage structures crossing the Pantano Riverpark shall be below ground.
28. Homes fronting the Pantano Riverpark shall have staggered rooflines and staggered setbacks from the east property line in order to present an interesting and varied architectural design facing the riverpark.
29. Walls constructed along the west and south property lines are to be a minimum of six (6) feet in height.
30. No 4" fence block material will be allowed for screening and view walls.

**9. PUBLIC HEARING: AMENDING THE NEIGHBORHOOD PRESERVATION ORDINANCE**

- a. Report from City Manager MARCH1-05-107 CITY-WIDE
- b. Hearing on the proposed amendments to the Neighborhood Preservation Ordinance
- c. Ordinance No. 10126 relating to Neighborhood Preservation; amending Chapter 16 of the Tucson Code, the "Neighborhood Preservation Ordinance"; adding and amending definitions; correcting references to Solid Waste Management; amending minimum requirements for heating and cooling of dwellings; amending provisions related to accessory structures; adding requirements for display of property address; amending prohibition of accumulated vegetation; adding prohibition of exterior hazards and attractive nuisances; amending duties related to vacant and unsecured structures; amending requirements for permitted storage of junked or inoperable vehicles; amending penalties for graffiti violations;

amending regulation of excessive noise and unruly gatherings; adding prohibition of street and sidewalk obstructions; adding prohibition of posting handbills; providing for administrative appeal by lawful tenants; providing for abatement of hazardous excavations; and amending procedures related to appeals from the Board of Appeals; by amending Chapter 16, Articles I, II, IV, V, VI, and VII, Sections 16-3, 16-11(B), 16-12, 16-13, 16-14(B), 16-15(B), 16-30(B), 16-31(B), 16-32, 16-45, 16-60(A), 16-61, 16-62, 16-73, and 16-74(A) and adding a new 16-35 and 16-36 of the Tucson Code; repealing Section 1-57 of the Tucson Code; and declaring an emergency.

**10. REAL PROPERTY: LEASE AGREEMENTS FOR PROPERTIES RELATING TO THE MARTIN LUTHER KING REVITALIZATION PLAN LOCATED AT SILVERBELL ROAD NEAR GORET ROAD AND AT CONGRESS STREET AND FIFTH AVENUE**

- a. Report from City Manager MARCH1-05-87 WARDS 1 AND 6
- b. Resolution No. 20017 relating to real property; authorizing the City Manager to enter into lease agreements related to the Martin Luther King (MLK) Revitalization Plan and located at Silverbell Road near Goret Road and at Depot Plaza at Congress Street and Fifth Avenue; establishing the Silverbell and Depot Plaza sites as housing priority areas; and declaring an emergency.

**11. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR TRANSFER OF HOUSEHOLD HAZARDOUS WASTE PROGRAM FROM PIMA COUNTY TO THE CITY OF TUCSON**

- a. Report from City Manager MARCH1-05-108 CITY-WIDE
- b. Resolution No. 20020 relating to the Fire Department; authorizing and approving an Intergovernmental Agreement between the City of Tucson and Pima County to transfer management of the City of Tucson/Pima County Household Hazardous Waste Program (HHW) from Pima County to the City of Tucson; and declaring an emergency.
- c. Ordinance No. 10125 relating to benefits; amending the City of Tucson Leave Benefit Plan to codify that portion of Section 13 of the Intergovernmental Agreement with Pima County approved by Mayor and Council Resolution on March 1, 2005 that relates to transfer of accrued sick and vacation leave balances, and accrual of future sick and vacation leave, for City of Tucson/Pima County Household Hazardous Waste Program employees who are leaving Pima County employment and becoming City employees; amending Tucson Code Chapter 22, Article V by adding a new Section 22-96; and declaring an emergency.

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

- a. Report from City Manager MARCH1-05-90 CITY-WIDE

**13. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, March 8, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.