



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]

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| <ul style="list-style-type: none"> Invocation and Pledge of Allegiance Presentations Summary of Current Events Liquor license applications Consent Agenda | <ul style="list-style-type: none"> 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. |
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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
Kathleen Dunbar – 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. 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, MAY 3, 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 – Reverend Jeff May, Drexel Heights Baptist Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- a. Proclaiming May 1 to May 7, 2005 to be Municipal Clerks Week
- b. Proclaiming May 1 to May 8, 2005 to be Days of Remembrance
- c. Proclaiming May 8 to May 14, 2005 to be Building Safety Week
- d. Presentation of the Government Finance Officers Association's Distinguished Budget Presentation Award to the City of Tucson for the Biennium beginning July 1, 2004.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager MAY3-05-222 CITY-WIDE

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

- a. Report from City Manager MAY3-05-223 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager MAY3-05-231 CITY-WIDE
- b. Liquor License Applications

New License

1. Sakura Teppan Steak & Seafood Restaurant, Ward 2
6534 E. Tanque Verde Road
Applicant: Kwang Chun An
Series 12, City 23-05
Action must be taken by: May 9, 2005

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

2. Bonsai, Ward 2
3305 N. Swan Road #111
Applicant: Joy K. Seo
Series 12, City 25-05
Action must be taken by: May 13, 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. Tucson Botanical Gardens, Ward 6
2150 N. Alvernon
Applicant: Nancy R. Laney
City T27-05
Date of Event: May 11, 2005
Art al Fresco closing reception-fundraising event

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

2. Carondelet Foundation Inc. (dba The Centurions), Ward 5
2500 E. Ajo Way
Applicant: John J. Harris
City T35-05
Date of Event: May 14, 2005
Fundraising event to benefit Carondelet St. Mary's Hospital

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

3. Tucson Museum of Art, Ward 1
140 N. Main Avenue
Applicant: Charlie E. Bodden
City T38-05
Date of Event: May 13, 2005
Exhibition Opening and Concert

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

4. Tucson Museum of Art, Ward 1
140 N. Main Avenue
Applicant: Charlie E. Bodden
City T39-05
Date of Event: June 4, 2005
Fundraising for Museum

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

5. Tucson Museum of Art, Ward 1
140 N. Main Avenue
Applicant: Charlie E. Bodden
City T40-05
Date of Event: June 25, 2005
Concert/Fundraising for Museum

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

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 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: CITY OF TUCSON RECOMMENDED BUDGET FOR FISCAL YEAR 2006

- a. Report from City Manager MAY3-05-228 CITY-WIDE
- b. Hearing. This is the first of two public hearings to be held on the City's Recommended Budget for Fiscal Year 2006. This hearing is to allow the public an opportunity to comment on the budget prior to the beginning of the Mayor and Council budget review process. The second public hearing is scheduled for June 14, 2005.

9. ZONING: (C9-04-25) DECONCINI – MISSION ROAD, R-2 TO C-1, CITY MANAGER'S REPORT

- a. Report from City Manager MAY3-05-227 WARD 1
- b. Report from Zoning Examiner dated April 15, 2005
- c. Request to rezone approximately 0.43 acres from R-2 (Medium-density Residential) to C-1 (General Commercial) zoning. Applicant: Carolyn Laurie of Tierra Right-of-Way Services, on behalf of the property owner, David DeConcini.

The rezoning site is located on the east side of Mission Road north of Drexel Road. The preliminary development plan proposes to develop the site with a 1,914 square foot commercial building for a take-out and delivery food service use on 0.43 acres.

Planning Considerations: The *Santa Cruz Area Plan* and the *General Plan* support the proposed C-1 zoning, subject to appropriate site design.

Authorization of the requested C-1 zoning is appropriate, subject to compliance with the recommended conditions.

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

1. A development plan in substantial compliance with the preliminary development plan dated January 14, 2005, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. No direct access to Mission Road from the rezoning site unless allowed by the City of Tucson Department of Transportation in compliance with the Access Guidelines Manual, and Pima County Transportation and Flood Control District in compliance with the following:
 - a. One point of access shall be allowed on Mission Road and shall align opposite Holladay Street.
 - b. The property owner shall provide, at no cost to Pima County, any necessary improvements to Mission Road to safely accommodate traffic to and from the site. These improvements shall include, but shall not be limited to, provision for a southbound median left-turn bay and pavement/striping as necessary.
 - c. Internal access shall be provided to the south, and if determined necessary to the north, by means of a parking and access lane.
3. Any existing unused curb cuts shall be closed.
4. The owner/developer shall design and construct six-foot wide public sidewalks on the Mission Road frontage.
5. At the time of development plan review the submittal shall include dimensioned elevation drawings. Side and rear facades shall be designed with attention to architectural character and detail comparable to the front facade, with consistent design treatment, including but not limited to, comparable color palette, signs, lighting, screen walls, rooflines, and materials. Dimensioned elevation drawings are to be submitted as a part of the development plan.
6. All exterior mechanical equipment shall be screened from view of adjacent development and street frontages, and shall be architecturally integrated into the overall design of buildings and development.

7. Provide a pedestrian system within the development, which provides a safe and convenient connection to the adjacent commercial development to the south and the Mission Road pedestrian systems. Pedestrian paths to be marked with cross-walks whenever crossing or utilizing a PAAL.
8. Provide cross-access agreements with the property to the south at the time of development plan submittal.
9. Development within the rezoning area shall be timed to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system. No action by Pima County shall be construed as a commitment of capacity to serve the development until Pima County executes an agreement with owner/developer to that effect.
10. The owner/developer shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity for the proposed development is available, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Wastewater Management Department.
11. 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 its 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.
12. The owner/developer shall fund, design, construct, and maintain all necessary on-site sewers on a private basis, unless otherwise directed at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
13. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements and regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for new development within the rezoning area.

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. Four (4) inch fence block shall not be used for perimeter walls.
16. Preparation of a complete Drainage Report, including details of detention/retention, is required. The site lies within a balanced basin. Threshold retention requirements apply regardless of the developed area.
17. 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.
18. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
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 basin perimeter.
21. All basins shall have maintenance access ramps in accordance with the current City of Tucson drainage standards manual.
22. Detention/retention basins shall not be used as a sediment or pollutant control during construction unless all sediments and pollutants are completely removed prior to use as detention/retention basins.
23. Any agreement for use of drainage or detention/retention facilities on any other site than the site proposed for this rezoning must be included in the Drainage Report and submitted for review together with the first Site Plan review or Development Plan review, whichever comes first. The agreement shall allow for the modification of the existing facilities in compliance with the conditions of this rezoning.
24. Refuse containers shall be located so as to be outside of the regulatory floodplain or to be above the regulatory base flood elevation.

25. 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/or 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.
26. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
27. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
28. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
29. 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 were received prior to the Zoning Examiner's public hearing on March 31, 2005.

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

10. ZONING: (C9-05-01) AGM CONTAINER – PRESIDIO ROAD, R-2 TO P, CITY MANAGER'S REPORT

- a. Report from City Manager MAY3-05-229 WARD 3
- b. Report from Zoning Examiner dated April 15, 2005
- c. Request to rezone approximately 0.32 acres from R-2 (Medium-density Residential) to P (Parking) zoning. Applicant: Thomas Sayler-Brown, on behalf of property owner Howard Stewart.

The rezoning site is located on the north side of Presidio Road, between Palo Verde Road and Richey Boulevard. The applicant proposes to construct 42 additional parking spaces for the existing adjacent manufacturing use.

Planing Considerations: The *Grant-Alvernon Area Plan* and the *General Plan* support development of the site as additional parking for the existing use. Authorization of the requested P zoning is appropriate subject to compliance with the recommended conditions.

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

1. A development plan in substantial compliance with the preliminary development plan dated January 24, 2005, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Noise generating elements such as trash containers, compactors, and loading zones are not permitted within the rezoning site.
3. The owner/developer shall design and install curb, sidewalk and handicap accessible curb access ramps along all street rights-of-way abutting the entire site in those areas where they do not already exist.
4. 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.
5. Four (4) inch fence block shall not be used for perimeter walls.
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/or 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. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.

8. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
9. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
10. 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 zero (0) written protests were received prior to the Zoning Examiner’s public hearing on March 31, 2005.

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

11. ZONING: (C15-04-03) ESTABLISHING ORIGINAL CITY ZONING FOR THE MICHIGAN – RANDOLPH ANNEXATION DISTRICT, CI-2 TO I-2, CITY MANAGER’S REPORT AND ORDINANCE ADOPTION

- a. Report from City Manager MAY3-05-234 WARD 5
- b. Report from Zoning Examiner dated April 15, 2005
- c. Request to rezone approximately 4.9 acres from County CI-2 (County Heavy Industrial) zoning to City I-2 (Heavy Industrial) zoning. This is a request to establish original City zoning.

The rezoning site is located on the southeast corner of Randolph Avenue and Michigan Street. No new development is proposed.

The Zoning Examiner recommends approval of the I-2 zoning. The City Manager recommends authorization of the I-2 zoning and adoption of the proposed zoning ordinance.

One (1) written approval and one (1) written protest were received. The protest is outside the 150 foot protest area, resulting in a zero (0) percent protest in all four directions.

- d. Ordinance No. 10149 relating to zoning; establishing original City zoning for approximately 4.9 acres generally located on the southeast corner of Randolph Avenue and Michigan Street, which was annexed to the City of Tucson by Ordinance No. 10089, adopted on December 20, 2004; and setting an effective date.

A simple majority vote will be necessary to pass and adopt the ordinance.

12. ZONING: (C15-04-04) ESTABLISHING ORIGINAL CITY ZONING FOR THE LOS REALES NUMBER TWO ANNEXATION DISTRICT, CR-3 TO R-1, CITY MANAGER'S REPORT AND ORDINANCE ADOPTION

- a. Report from City Manager MAY3-05-233 WARD 5
- b. Report from Zoning Examiner dated April 15, 2005
- c. Request to rezone approximately 84 acres from County CR-3 (Low Density Residential) zoning to City R-1 (Low Density Residential) zoning. This is a request to establish original City zoning.

The rezoning site is located on the northwest corner of Los Reales Road and Craycroft Road. No new development is proposed.

The Zoning Examiner recommends approval of the R-1 zoning. The City Manager recommends authorization of the R-1 zoning and adoption of the proposed zoning ordinance.

One (1) written approval and zero (0) written protests were received.

- d. Ordinance No. 10150 relating to zoning; establishing original City zoning for approximately 84 acres generally located on the northwest corner of Los Reales Road and Craycroft Road, which was annexed to the City of Tucson by Ordinance No. 10096, adopted on December 20, 2004; and setting an effective date.

A simple majority vote will be necessary to pass and adopt the ordinance

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager MAY3-05-230 CITY-WIDE

14. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, May 10, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.