



# 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

**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](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, MAY 10, 2004 – 5:30 P.M.  
LEO RICH THEATRE  
260 S. CHURCH AVENUE (ENTER FROM CHURCH AVENUE)

**1. ROLL CALL**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

INVOCATION – Reverend Philip S. Kruis, Rincon Mountain Presbyterian Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- (a) Proclamation – Proclaiming May 2004 to be National Landscape Architecture Month

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

- (a) Report from City Manager MAY10-04-223 CITY-WIDE

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

- (a) Report from City Manager MAY10-04-224 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

- (a) Report from City Manager MAY10-04-218 CITY-WIDE
- (b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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|--|---|
| (1) KIMPO ORIENTAL MARKET<br>5595 E. 5 <sup>th</sup> Street<br>Applicant: Mi Sook Jung<br>City #018-04, located in Ward 6<br>Series #10<br>Action must be taken by: May 20, 2004 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
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**PUBLIC OPINION: PROTEST FILED**

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| (2) YUKIS JAPANESE RESTAURANT #2<br>2962 N. Campbell Avenue<br>Applicant: Hyung K. Kim<br>City #019-04, located in Ward 3<br>Series #12<br>Action must be taken by: May 24, 2004   | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
| (3) TARGET #1316<br>1225 W. Irvington Road<br>Applicant: Robert J. Benton<br>City #020-04, located in Ward 1<br>Series #10<br>Action must be taken by: May 24, 2004                | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
| (4) ICHIBAN JAPANESE RESTAURANT<br>64 N. Harrison Road, #150<br>Applicant: Sook Ja Strub<br>City #022-04, located in Ward 2<br>Series #12<br>Action must be taken by: May 30, 2004 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
| (5) QUESADILLA'S GRILL<br>110 S. Church, #7136<br>Applicant: Gelma J. Reyes<br>City #023-04, located in Ward 6<br>Series #12<br>Action must be taken by: May 29, 2004              | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |

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)

Person Transfers

(6) VALENTINO’S 4696 S. 12 <sup>th</sup> Avenue Applicant: Blanca E. Morales City #021-04, located in Ward 1 Series #6 Action must be taken by: May 30, 2004	<u>Staff Recommendation</u>  Police: In Compliance DSD: In Compliance Bus. License: In Compliance
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**PUBLIC OPINION: PROTESTS FILED**

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

**6. CONSENT AGENDA ITEMS A THROUGH J**

**A. ASSURANCE AGREEMENT: (S03-019) DESERT LINKS SUBDIVISION LOTS 1 TO 48 AND COMMON AREAS “A”, “B-1” TO “B-3”, “C”, AND “D-1” TO “D-7”**

- (1) Report from City Manager MAY10-04-220 W2
- (2) Resolution No. 19823 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S03-019 of a final plat for the Desert Links Subdivision, Lots 1 to 48 and Common Areas “A”, “B-1”-“B-3”, “C”, and “D-1 – D-7”; and declaring an emergency.

**B. FINAL PLAT: (S03-019) DESERT LINKS SUBDIVISION LOTS 1 TO 48 AND COMMON AREAS “A”, “B-1” TO “B-3”, “C”, AND “D-1” TO “D-7”**

- (1) Report from City Manager MAY10-04-221 W2
- (2) The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

**C. ASSURANCE AGREEMENT: (S03-014) DESERT VISTA SUBDIVISION LOTS 1 TO 31 AND COMMON AREAS “A” AND “B”**

- (1) Report from City Manager MAY10-04-225 W1
- (2) Resolution No. 19824 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S03-014 of a final plat for the Desert Vista Subdivision, Lots 1 to 31 and Common Areas “A” - “B”; and declaring an emergency.

**D. FINAL PLAT: (S03-014) DESERT VISTA SUBDIVISION LOTS 1 TO 31 AND COMMON AREAS “A” AND “B”**

- (1) Report from City Manager MAY10-04-219 W1
- (2) The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

**E. ASSURANCE AGREEMENT: (S02-053) BANTAM ESTATES SUBDIVISION LOTS 1 TO 30 AND COMMON AREAS “A” AND “B”**

- (1) Report from City Manager MAY10-04-226 W5
- (2) Resolution No. 19825 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S02-053 of a final plat for the Bantam Estates Subdivision, Lots 1 to 30 and Common Areas “A” - “B”; and declaring an emergency.

**F. FINAL PLAT: (S02-053) BANTAM ESTATES SUBDIVISION LOTS 1 TO 30 AND COMMON AREAS “A” AND “B”**

- (1) Report from City Manager MAY10-04-227 W5
- (2) The City Manager recommends that, after the approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

**G. INTERGOVERNMENTAL AGREEMENT: WITH THE TOWN OF ORO VALLEY RELATING TO WATER SERVICE IN THE AREA OF ORACLE ROAD AND MAGEE AND HARDY ROADS**

- (1) Report from City Manager MAY10-04-229 OUTSIDE THE CITY
- (2) Resolution No. 19826 relating to water; authorizing and approving the execution of an Intergovernmental Agreement with the Town of Oro Valley relating to current and future water service in the area of Oracle Road and Magee and Hardy Roads (outside the City); and declaring an emergency.

**H. INTERGOVERNMENTAL AGREEMENT: WITH THE AK CHIN INDIAN COMMUNITY FOR CONTRIBUTIONS TO THE ARIZONA STATE MUSEUM**

- (1) Report from City Manager MAY10-04-228 CITY-WIDE
- (2) Resolution No. 19827 relating to finance; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and the Ak Chin Indian Community for making contributions to the Arizona State Museum; and declaring an emergency.

**I. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE INCARCERATION OF CITY PRISONERS**

- (1) Report from City Manager MAY10-04-216 CITY-WIDE
- (2) Resolution No. 19828 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement with Pima County for the incarceration of City Prisoners, FY04-05; and declaring an emergency.

**J. MEMORIAL: CONCERNING POSSIBLE REACTIVATION OF THE YUMA DESALTING PLANT**

- (1) Report from City Manager MAY10-04-231 CITY-WIDE & OUTSIDE CITY

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

## 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 (C9-04-01) KEMMERLY – FIRST AVENUE, SH, MH-1 AND C-2 TO R-3 AND C-1 ZONING, CITY MANAGER'S REPORT

- (a) Report from City Manager MAY10-04-222 W3
- (b) Report from Zoning Examiner dated April 16, 2004
- (c) Hearing on a request to rezone approximately 28.5 acres from SH (Low Density/Large Lot Residential), MH-1 (Low Density Mobile Home), and C-2 (General Commercial) to R-3 (High Density Residential) and C-1 (Low-intensity Commercial) zoning. Applicant: Kelly Decker of the Planning Center on behalf of the property owner, The Kemmerly Companies.

The rezoning site is located between Stone Avenue and 1<sup>st</sup> Avenue, on the north side of the Rillito River. The preliminary development plan is for 187 one, two, and three-story single-family residences using the residential cluster project development option for a density of 7.3 residents per acre, and approximately 6,000 square feet of neighborhood commercial uses.

Planning Considerations: The applicant's request is in general compliance with the *General Plan* and the *Design Guidelines Manual*. Authorization of the requested R-3 and C-1 zoning is appropriate subject to compliance with the attached recommended conditions.

The Zoning Examiner recommends approval of the R-3 and C-1 zoning. The City Manager recommends approval of the R-3 and C-1 zoning subject to the following conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated December 16, 2003, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. of the Land Use Code.
2. Perimeter walls shall not exceed six feet in height except that the northern perimeter wall shall be limited to eight feet in height. Those portions of perimeter walls adjacent to or abutting alleyways shall be designed with a “safe by design” concept. Safe by design elements to include security opening at designated points where the wall(s) abuts an alley on the outside and common areas on the inside (on-site). Security openings to be of adequate width to permit pedestrian access throughout the wall opening(s). Security opening to be designed to meet “safe by design” concept such as but not limited to: proper low-lighting, low shrub and vegetation landscaping to avoid hiding places.
3. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one or more 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.
4. Any walls constructed along the south property boundary shall, at a minimum, have a wrought iron fence on top of two to three foot walls.
5. Owners of the lots with rear yards abutting open space areas along the washes and adjacent to the River Park shall be provided with the option to have pedestrian gates installed on their properties.
6. Prior to review of the tentative plat by the Community Design Review Committee, the applicant shall submit documentation that the site has been assessed for hazardous materials contamination by the State of Arizona Department of Environmental Quality.
7. Residential units immediately adjacent to the north boundary line of the rezoning site shall be restricted to a maximum of one story in height.
8. A complete Drainage Report shall be prepared, including details of retention. If on-site discharges are discharged directly into the channel of the Rillito River, Race Track Wash, or Northmanor Wash, retention may be waived at the sole discretion of the City Engineer. Waiver of detention/retention requirements shall not constitute waiver of water harvesting requirements. Proposed perimeter walls shall not obstruct proposed or existing drainage.

9. Any proposed encroachment into the regulatory floodplain of the minor wash traversing the site near the northwest corner shall not cause adverse effects upon adjacent public or private properties. The regulatory floodplain shall include any areas of breakout east of Stone Avenue.
10. Dedication or the verification of the existence of a public drainageway shall be provided meeting the requirements of Development Standard 10-02 along Northmanor Wash and Race Track Wash. Channel cross-section and maintenance access lanes shall also meet the requirements of Development Standard 10-02.
11. The owner/developer shall install a left turn lane at the access point to the site from 1<sup>st</sup> Avenue.
12. The requirement for a right turn/deceleration lane for Stone Ave. will be based on a traffic impact study to determine if it is warranted.
13. Primary accesses shall be from both Stone Avenue and 1<sup>st</sup> Avenue.
14. A maximum of one access point to the site from Stone Avenue and one access point to the site from 1<sup>st</sup> Avenue.
15. Maximum of 187 residential units.
16. The R-3 portion of the rezoning shall be limited to a maximum height of 35 feet.
17. The owner/developer shall provide a 50-foot wide corridor along the south side of the subject property for the Rillito River Park. The corridor may include any existing flood control or trail easements.
18. The owner/developer shall construct the segment of the Rillito River Park along the south side of the subject property according to the City/County Divided Urban Pathway Standard.
19. The owner/developer shall provide pedestrian access to the River Park from the subject property.
20. Pedestrian access shall be provided connecting southwest corner of the Northmanor subdivision to the Rillito Riverpark and the commercial area.
21. The City of Tucson and the Pima County Parks and Recreation departments shall approve all River Park improvements.

22. Location of on-site parking spaces for patrons of the Rillito River Park shall be integrated with the commercial on-site parking, circulation, and PAAL system. On-site signage shall be provided to direct traffic to the allocated Rillito River Park parking spaces along the south side of the property and each space shall be identified by signage as a Rillito River Park/Trail space.
23. Low mounted pedestrian lighting shall be provided along the streetscape, within common areas and along the River Park at appropriate locations.
24. The residential portion of the development shall include three recreational common areas and each shall be of adequate size to accommodate appropriate passive/active amenities for all ages. The three recreational common areas shall be equally distributed through the residential portion of the development.
25. All common recreation areas shall include drought tolerant native canopy trees, ground cover, shrubs, decomposed granite, ramada(s), seating area(s), grill(s), and tot lot(s). The recreational use area(s) within common area(s) shall have a direct and continuous all-weather pedestrian link/path, at a minimum width of six feet, to connect the recreational amenities to the on-site sidewalk pedestrian system.
26. The pedestrian system shall include, as part of the Northmanor Wash bridge requirements, a pedestrian sidewalk on both sides of the bridge. Both sidewalks located on the bridge shall be part of the continuous sidewalk pedestrian system and both sidewalks shall be no less in width than the sidewalk width required on the rest of this site as part of the main east-west street.
27. A crosswalk to link the centralized on-site amenities shall be installed on the southern most interior road at a point where the greenway open space abuts the southern most interior road.
28. The interior pedestrian circulation system shall include streetscape landscaping, which includes canopy trees, located within the front yards of every other lot along all interior streets within the development.
29. Channel stabilization work on both the Northmanor Wash the Race Track Wash shall not include hardscape material along the sandy bottom or low flow channel of these washes. Both washes shall have earthen banks and bottoms.
30. The community pool and active recreational common areas shall be located away from the north boundary of the rezoning site.

31. The owner/developer shall follow Arizona Game and Fish Department guidelines for handling endangered species including sonoran desert tortoises encountered on the rezoning site.
32. 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.
33. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
34. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
35. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Eight (8) written approvals and one (1) written protest are on file for this case.

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

**9. PUBLIC HEARING: RECOMMENDED CIVIC EVENTS PROCESS AND FUNDING FOR FISCAL YEAR 2005**

- (a) Report from City Manager MAY10-04-230 CITY-WIDE
- (b) Hearing to allow the public and event sponsors an opportunity to comment on the recommended civic events and funding for fiscal year 2005.

The Civic Event Subcommittee has held a series of meetings to discuss the Civics Events policies and strategies for Fiscal Year 2005 funding. At the meeting of April 8<sup>th</sup>, the Subcommittee made the following recommendations to the Mayor and Council:

- Select a limited number of major events to receive Civic Event funding; these can be designated as City Co-sponsored events. The criteria for selection was that these events impacted the largest number of citizens in the community and/or they were deemed as Tucson traditions. The nine events proposed to receive funding are: Downtown Parade of Lights; El Tour de Tucson (currently funded through Outside Agencies budget); Fourth of July fireworks celebration; Fort Lowell Shoot-out (currently funded through Outside Agencies budget); Labor Day Walk and Picnic; Martin Luther King Jr. Parade; Tucson Rodeo Parade; Veteran's Day Parade; and Winterhaven Festival of Lights.
- Allocate funding to these nine events, so that currently available City monies would be sufficient for all expenditures made by City of Tucson departments in support of these events. This ensures departments are not held with unpaid costs for services rendered, requiring reduction of services in other areas.
- A public hearing be held so that all event sponsors could have an opportunity to voice their views. Tonight's public hearing fulfills that recommendation.

**10. PUBLIC HEARING: REGULATION OF MOTORIZED SKATEBOARDS**

- (a) Report from City Manager MAY10-04-232 CITY-WIDE
- (b) Hearing to allow the public to comment on the proposed to prohibit the use of motorized skateboards on public property and rights of way within the City limits of Tucson, and placing additional restrictions on use of these vehicles in general.

**11. CITY ATTORNEY: APPOINTMENT OF THE CITY ATTORNEY**

- (a) Report from City Manager MAY10-04-233 CITY-WIDE
- (b) Ordinance No. 9961 relating to the City Attorney; appointing the City Attorney; and declaring an emergency.

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

- (a) Report from City Manager MAY10-04-217 CITY-WIDE

**13. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, May 17, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.