



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 AGENDA

**TUESDAY, MARCH 24, 2009 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 W. ALAMEDA, TUCSON, AZ)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Captain Wayne Jackson, Tucson Fire Department

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

- a. Presentation of the Tucson Rodeo Parade Chairman’s Award to the El Pueblo Senior Center

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager MAR24-09-143 CITY-WIDE

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

- a. Report from City Manager MAR24-09-144 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager MAR24-09-145 CITY-WIDE
- b. Liquor License Applications

New License(s)

- 1. Goodfellas Italian Bistro, Ward 6
944 E. University Blvd.
Applicant: Willard F. Aronow
Series 12, City 5-09
Action must be taken by: April 4, 2009

Staff has indicated the applicant is in compliance with city requirements.
(Applicant has not paid application fees)

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(s)

- 1. La Frontera Tucson International Mariachi Conference, Inc., Ward 6
900 S. Randolph Way
Applicant: Alfonso Dancil
City T7-09
Date of Event: April 25, 2009
(To raise funds for La Frontera Center, Inc.)

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

- 2. St. Michael’s Parish Day School, Ward 2
602 N. Wilmot Rd.
Applicant: Barry Bedrick
City T12-09
Date of Event: April 18, 2009
(School fundraiser auction)

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

3. Comite de Festividades Mexicanas, Ward 1
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero
City T13-09
Date of Event: May 2, 2009 - May 3, 2009
(To celebrate 5 de Mayo)

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

4. YWCA - Tucson, Ward 1
140 N. Main Ave.
Applicant: Sonia Amanda Santa Cruz
City T15-09
Date of Event: May 8, 2009
(Fundraiser for the YWCA)

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

5. ArtSake Foundation, Ward 6
Fifth Ave. and Congress St.
Applicant: Jeb Bley Schoonover
City T18-09
Date of Event: April 18, 2009
(Fundraiser)

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

6. Tucson Museum of Art, Ward 1
140 N. Main Ave.
Applicant: Alison L. Sylvester
City T19-09
Date of Event: April 3, 2009 - April 4, 2009
(Museum fundraiser)

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

7. Fiesta Grande of Hollywood, Inc., Ward 1
Grande Ave. between Speedway & St. Mary's Rd.
Applicant: Erica M. Dahl-Bredine
City T24-09
Date of Event: April 18, 2009 - April 19, 2009
(Neighborhood Street fair to build community and raise scholarship funds)

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

8. St. Demetrios Greek Orthodox Church, Ward 3
1145 E. Ft. Lowell Rd.
Applicant: George A. Makris
City T26-09
Date of Event: April 19, 2009
(Easter picnic)

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

- d. Agent Change/Acquisition of Control/Restructure

NOTE: There are no agent change(s) scheduled for this meeting.

6. 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, 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."

7. CONSENT AGENDA – ITEMS A THROUGH O

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.

8. PUBLIC HEARING: *RAYTHEON ANNEXATION DISTRICT*

- a. Report from City Manager MAR24-09-165 WARD 5 AND OUTSIDE CITY
- b. Hearing on proposed annexation district located in the vicinity of the Tucson International Airport. The proposed annexation district is 1,621 acres or 2.533 square miles.

The City Manager recommends that the Mayor and Council direct staff to proceed with the *Raytheon Annexation District*.

9. PUBLIC HEARING: FEDERAL TRANSIT ADMINISTRATION SECTION 5307 CAPITAL GRANT APPLICATION FOR FEDERAL FISCAL YEAR 2009

- a. Report from City Manager MAR24-09-156 CITY-WIDE
- b. Hearing on a grant application requesting funding for Sun Tran and Van Tran capital projects. The projects include the purchase of one lift equipped replacement bus, security, preventative maintenance, and ADA transit enhancements.
- c. Resolution No. 21247 relating to transportation; authorizing and approving the execution of a Federal Transit Administration (FTA) Section 5307 Capital Grant Application for Federal Fiscal Year 2009 Grants AZ-90-X101 in the amount of \$4,873,716 and AZ-95-X007 in the amount of \$805,040; and declaring an emergency.

10. PUBLIC HEARING: ZONING (C9-00-27) HOUGHTON HOLDING PARTNERSHIP, I-2 TO C-2 (C-1 AUTHORIZED), REACTIVATION, TIME EXTENSION, CHANGE OF CONDITION, AND ORDINANCE ADOPTION

- a. Report from City Manager MAR24-09-151 WARD 4
- b. Hearing on a request for a reactivation, time extension, and the addition of conditions for property located on the southeast corner of Houghton Road and Valencia Road.

On August 6, 2001, the Mayor and Council voted 7-0 to authorize the applicant to proceed with rezoning of the subject property from I-2 to C-1 zoning, in lieu of the originally requested C-2 zoning, subject to the conditions listed in the attached ordinance.

The development plan and rezoning ordinance were never brought to Mayor and Council for adoption. Building permits were issued and the site has been partially developed. The development includes a convenience store with 16 fuel dispensers on 1.69 acres, and three of six approved office condominium buildings on the remaining 7.91 acres. The six condominium structures are to include a total of 51 condominiums.

Staff recommends the Mayor and Council reactivate this rezoning case; hold a public hearing on a 30 day time extension for the rezoning to allow the ordinance to take effect; add a condition # 27, requiring the execution of a Waiver of Claims Against the City; and adopt the rezoning ordinance.

- c. Ordinance No. 10641 relating to zoning: amending zoning district boundaries in the area located at the southeast corner of Houghton and Valencia Roads in Case C9-00-27, Houghton Holding Partnership, I-2 to C-1; and setting an effective date.

One written approval and zero written protests were received for this case prior to the Zoning Examiner's April 19, 2001, May 17, 2001, June 14, 2001, and June 28, 2001 public hearings. The record of the approval is not available. Notices of this public hearing were sent to property owners within 300 feet of the rezoning site, and neighborhood associations within one mile. To date, no protest, or approvals have been received.

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

11. ZONING: (C9-08-17) CHILDREN'S SUCCESS ACADEMY – BILBY ROAD, R-2 TO C-1, CITY MANAGER'S REPORT

- a. Report from City Manager MAR24-09-152 WARD 5
- b. Report from Zoning Examiner dated January 30, 2009
- c. Request to rezone approximately 0.43 acres from R-2 to C-1 zoning. The rezoning site is located on the northeast corner of Bilby Road and Morris Boulevard. Applicant: Children's Success Academy, Inc.

The preliminary development plan proposes an access drive, parking and classrooms on the rezoning site.

The rezoning proposal is consistent with and supported by the policy direction in the *General Plan* and although the site is located within the *Kino Area Plan*, little policy guidance relevant to this request is provided by the *Plan*.

The Zoning Examiner and staff recommend authorization of C-1 zoning subject to the following conditions:

PROCEDURAL

- 1. A development plan in substantial compliance with the preliminary development plan dated November 6, 2008, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8 of the *Land Use Code*.
- 2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment".
- 3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.

4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. Owner/developer shall enter into a Sewer Service Agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system, and the timing of said improvements.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

LAND USE COMPATABILITY

8. Buildings shall be designed to have four-sided architecture. Building facades at the rear and sides shall have architectural character and detail comparable to the front façade, including but not limited to color palette, rooflines and exterior materials. Colored and dimensioned elevation drawings shall be submitted as part of the development plan submittal, to demonstrate compliance with this condition.
9. The expansion and remodeling shall be accomplished in a manner that yields a cohesive site design.
10. The color scheme shall be consistent with the Sonoran Desert environment, and shall complement the surrounding development. Information shall be submitted with the development plan, including colored elevation drawings and colored photographs of development in the neighborhood, to demonstrate compliance with this condition.
11. The maximum building height shall be 18 feet.
12. Screen walls shall have a decorative design, and be graffiti-resistant. Wall colors and exterior treatment shall complement the buildings.
13. All screen 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.
14. Six (6) inch wide fence block or greater shall be used for perimeter walls.

15. Exterior mechanical equipment shall be screened from view from the surrounding properties and streets, and the equipment and screening shall be integrated into the site design.
16. All trash dumpsters and loading/delivery areas shall be located at least 50 feet from residentially-zoned areas to the north.
17. Hours of operation, including loading and trash removal, shall be limited to between 6:00 a.m. and 10:00 p.m.
18. All outdoor lighting shall be full cutoff, directed down and shielded away from adjacent residential areas and public streets.

DRAINAGE/GRADING/VEGETATION

19. Should buffelgrass be present on the site, a buffelgrass mitigation management plan shall be created for the site as a component of the Native Plant Preservation Plan portion of the Landscape Plan.
20. One canopy tree shall be planted for every four parking spaces, within vehicle use areas.
21. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:
 - a. 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.
 - b. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
 - c. 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.
 - d. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.

- e. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
 - f. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.
22. Rain water harvesting must be conducted at this site per the requirements in Land Use Code (LUC) section 3.7.1.1.A, requiring that landscaping should accomplish natural resources conservation; LUC Section 3.7.4.3.B requiring integration of grading, hydrology and landscaping to make the maximum use of stormwater for on-site irrigation; and LUC Section 3.7.4.5.B requiring that stormwater and runoff harvesting be used to supplement drip irrigation for both new and preserved vegetation. Techniques to design and implement water harvesting are described in the City of Tucson's Water Harvesting Guidance Manual. This document can be downloaded as a pdf file from the following website: <http://dot.ci.tucson.az.us/stormwater/>.

To comply with the above-referenced LUC sections, rainwater harvested from building roofs, sidewalks, and parking lots shall be employed to assist in supporting landscaped areas including parking lot tree wells, landscape buffers, sidewalk plantings, and other vegetation locations at the site. Site plans shall include Water Harvesting Plan & Detail sheet(s) showing all water harvesting locations at the site including common areas, perimeter buffer areas and any retention/detention basins and should include the length, width and finished depth of the water harvesting areas, curb openings, raised walkways, use of mulch, and drainage arrows showing runoff routing to each water harvesting area and information on where overflow will be routed. Consult the Office of Conservation and Sustainable Development prior to the development of water harvesting plans.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

- 23. The owner/developer shall dedicate, or verify the existence of, the north half right-of-way of Bilby Road per the *Major Streets and Routes Plan*.
- 24. The owner/developer shall dedicate a 30-foot radius spandrel at the southwest corner of the site.
- 25. The owner/developer shall dedicate additional right-of-way for Morris Road as may be required by DSD/City Development Standards.
- 26. The owner/developer shall install appropriate pavement, curbs and sidewalks along the Bilby Road and Morris Road frontages of the site as required by DSD/City Development Standards.

27. The Owner/Developer shall submit a Traffic Impact Analysis or Traffic Statement at the time of tentative/development plan review, to ensure that queuing of vehicles during drop-off and pick-up times, does not extend into public right of way (Morris Road and extending out to Bilby Road).
28. The Owner/Developer shall post signs at the Bilby Road egress, indicating one-way traffic/do not enter; and at the Morris Boulevard ingress, indicating one-way traffic/do not exit.
29. The Owner/Developer shall provide a clearly marked crosswalk area, linking the sidewalk along Morris Boulevard on the north side of the ingress to the walkway adjacent to north/west side the school building.
30. A lot tax parcel combination and a covenant regarding the use and development of real property will be required to be completed for the two parcels.

Two written approvals and zero written protests were received prior to the Zoning Examiner's public hearing on January 15, 2009, at that time requiring a simple majority vote of the Mayor and Council to adopt a rezoning ordinance. Subsequent to the Zoning Examiner's public hearing, no additional written approvals and or protests were received.

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

12. ZONING: (SE-08-34) AT&T – CAMPBELL AVENUE, C-1 ZONING, SPECIAL EXCEPTION LAND USE, CITY MANAGER'S REPORT, DIRECT ORDINANCE ADOPTION

- a. Report from City Manager MAR24-09-153 WARD 3
- b. Report from Zoning Examiner dated January 30, 2009
- c. This is a Special Exception Land Use request to allow the installation of a new wireless communication facility concealed within a 66-foot high artificial palm tree and associated ground equipment, located northeast of the northeast corner of Campbell Avenue and Grant Road. Applicant: Steve Olson of the Lyle Company.

The special exception request is consistent with the policies and intent of the *Cragin-Keeling Area Plan* and the *General Plan*.

The Zoning Examiner and staff recommend approval of the special exception request subject to the conditions in the ordinance provided.

Four written approvals and zero written protests were received for this case prior to the Zoning Examiner's public hearing. No approvals or protests have been received subsequent to the public hearing.

- d. Ordinance No. 10646 relating to zoning; a special exception land use – wireless communications use AT&T – Campbell Avenue; approving with conditions the construction of a wireless communications facility disguised as a palm tree in the C-1 zone – Case SE-08-34; and setting an effective date.

A simple majority vote will be necessary to approve the rezoning ordinance.

13. WATER: ADOPTING TUCSON WATER’S FINANCIAL PLAN FOR FISCAL YEARS 2009 THROUGH 2014

- a. Report from City Manager MAR24-09-170 CITY-WIDE AND OUTSIDE CITY
- b. Resolution No. 21255 relating to Tucson Water; authorizing and adopting the Tucson Water Financial Plan and Conservation Fund Financial Plan for the period from fiscal year 2009 to fiscal year 2014; and declaring an emergency.

14. WATER: ADOPTION OF THE WATER SYSTEM EQUITY FEE

- a. Report from City Manager MAR24-09-162 CITY-WIDE & OUTSIDE CITY
- b. Ordinance No. 10644 relating to water; amending Chapter 27, Article II, Rates and charges, Section 27-36, System equity, Central Arizona Project, and areas-specific fees; and declaring an emergency.

If approved, the fee will go into effect on July 6, 2009.

15. WATER: ADOPTION OF THE CAP WATER RESOURCE FEE

- a. Report from City Manager MAR24-09-163 CITY-WIDE & OUTSIDE CITY
- b. Ordinance No. 10643 relating to water; amending Chapter 27, Article II, Rates and charges, Section 27-36, System equity, Central Arizona Project, and areas-specific fees; and declaring an emergency.

If approved, the Water Resource fee will go into effect on July 6, 2009.

16. TUCSON CODE: AMENDING (CHAPTER 15) ADOPTION OF A PLASTIC BAG RECYCLING ORDINANCE

- a. Report from City Manager MAR24-09-164 CITY-WIDE
- b. Ordinance No. 10642 relating to plastic bags; requiring plastic bag recycling by retail establishments; amending Tucson City Code Chapter 15, Article I; adding new Article VII; and setting an effective date.

17. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager MAR24-09-146 CITY-WIDE

18. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, April 7, 2009, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.