





# 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, JULY 7, 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 – Chaplain Doug Hess, Davis-Monthan Air Force Base

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS:

- a. Proclaiming July to be “Smart Irrigation Month”

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

- a. Report from City Manager JUL7-09-373 CITY-WIDE

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

- a. Report from City Manager JUL7-09-374 CITY-WIDE

**5. LIQUOR LICENSE APPLICATIONS**

- a. Report from City Manager JUL7-09-375 CITY-WIDE
- b. Liquor License Application(s)

New License(s)

- 1. Los Palominos Restaurant, Ward 3  
840 E. Fort Lowell Rd.  
Applicant: Charles R. Martinez  
Series 12, City 34-09  
Action must be taken by: July 9, 2009

Tucson Police Department and Development Services have indicated the applicant is in compliance with city requirements.

Revenue Department has indicated the applicant is not 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(s)

- 1. Tucson’s Young Professionals, Inc., Ward 1  
140 N. Main Ave.  
Applicant: Megan Leslee Courtney  
City T42-09  
Date of Event: August 7, 2009  
(To promote community event in downtown Tucson)

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

- 2. ArtFare, Ward 6  
55 N. 6th Ave.  
Applicant: Frank John Calsbeek  
City T43-09  
Date of Event: August 1, 2009  
(Fundraiser for ArtFare)

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

d. Agent Change/Acquisition of Control/Restructure

1. ALJS Tavern, Ward 5  
4980 E. 22nd St.  
Applicant: Raul Humberto Rodriguez  
Series 6, City AC3-09  
Action must be taken by: June 28, 2009

Revenue Department has indicated the applicant is in compliance with city requirements.

Tucson Police Department has indicated the applicant is not in compliance with city requirements.

(CONTINUED FROM MAYOR AND COUNCIL MEETING OF JUNE 23, 2009)

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

**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, 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."

**7. CONSENT AGENDA – ITEMS A THROUGH L**

**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: ZONING (C9-04-05) WRA INVESTMENTS – BILBY ROAD, R-2 TO I-1, REACTIVATION, TIME EXTENSION AND CHANGE OF CONDITIONS**

- a. Report from City Manager JUL7-09-378 WARD 5
- b. Hearing on a request to reactivate this rezoning case and grant a five-year time extension and change of conditions for a property located on the southeast corner of Bilby Road and Sears Boulevard. Applicant: Michael Marks of MJM Consulting, Inc. on behalf of the property owners, WRA Investments, LLC.

The original five-year authorization expired on June 28, 2009. A public hearing is required to reactivate the case and grant the time extension.

The preliminary development plan is for an expansion of the existing TA Caid Industries manufacturing operation by 32,000 square feet on 2.19 acres in the R-2 zone. No changes are being proposed to the preliminary development plan at this time.

Staff recommends approval of the requested five-year time extension, from June 28, 2009, to June 28, 2014, and approval of the requested change of conditions. Within the following recommended conditions, deleted text is ~~struckthrough~~, new text is underlined:

- 1. A development plan in substantial compliance with the preliminary development plan dated April 2, 2004, 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 subject property shall conform to the landscaping, and screening of the P-I zoning and there shall be no storage in excess of six (6) feet in height within 50 feet from adjacent residential (existing or zoned) property.
- 3. The enhanced landscape borders on Bilby Road, Ganley Road, and Sears Boulevard shall contain one canopy tree every 25 feet. Said trees shall be located no more than 10 (ten) feet from the back of the sidewalk.
- 4. Rear and side building façades shall to be designed with attention to architectural character and detail comparable to the front façade. Consistent design treatments shall include but will not be limited to comparable color palette, signs, lighting, screen walls, rooflines, and materials. Dimensioned elevation drawings shall be submitted as a part of the development plan review.

5. Loading zones, dumpsters, and noise-generating elements shall be located at least 50 feet from adjacent residential (existing or zoned) property, and screened by masonry walls and landscaping.
6. 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, (job, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
7. 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.
8. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
9. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
10. The owner/applicant will be responsible for the construction and design of full roadway improvements including pavement, curbs, and sidewalks on Sears Boulevard and Ganley Road, along with appropriate tapers and drainage improvements as necessary.
11. Any existing curb cuts that will not be used for vehicular access shall be closed.
12. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
13. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

14. 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”.
  
15. 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.

16. One canopy tree shall be planted for every four parking spaces, within vehicle use areas.

Two written approvals and zero written protests were received prior to the Zoning Examiner Hearing.

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: PROPOSED ALTERNATIVE EXPENDITURE LIMITATION – HOME RULE OPTION**

- a. Report from City Manager JUL7-09-379 CITY-WIDE
- b. Hearing. Tucson, like all Arizona cities, is subject to a spending limit imposed by the State Constitution. Because revenues and the need for City services are anticipated to exceed the state set limit, the City is evaluating the option for an alternative spending limit: “Home Rule.” “Home Rule” allows City voters to set expenditure limits, typically established as the annual budget adopted by the Mayor and Council. Under this option, City voters have the opportunity to re-approve the alternative limit every four years.

AT THIS TIME THE MAYOR AND COUNCIL  
WILL RECESS THE REGULAR MEETING AND  
CONVENE A SPECIAL MEETING

**10. TUCSON CODE: AMENDING (CHAPTER 12A) DEPARTMENT OF FINANCE, DISBANDING THE DEPARTMENT OF BUDGET AND RESEARCH**

- a. Report from City Manager JUL7-09-380 CITY-WIDE
- b. Ordinance No. 10692 relating to Department of Finance; amending the Tucson Code Chapter 12A, Department of Finance, repealing Sections 12A-3, Department of Budget and Research Established, and 12A-4, Powers and Duties of the Department of Budget and Research, to disband the Department of Budget and Research; and setting an effective date.

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

- a. Report from City Manager JUL7-09-376 CITY-WIDE

**12. ADJOURNMENT**

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