



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

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
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, 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 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, JUNE 7, 2004 – 5:30 P.M.
TUCSON CONVENTION CENTER
260 SOUTH CHURCH AVENUE, TUCSON, ARIZONA
BALLROOM (USE WEST ENTRANCE OFF GRANADA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Minister Nathan P. Randolph, Ina Road Church of Christ

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- (a) Presentation of a Historic Preservation Certificate to Kim McKay, Tucson-Pima County Historical Commission

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager JUNE7-04-278 CITY-WIDE

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

- (a) Report from City Manager JUNE7-04-279 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- (a) Report from City Manager JUNE7-04-275 CITY-WIDE

- (b) LIQUOR LICENSE APPLICATION(S)

Person Transfer

- (1) STEIN-N-DINE
7002 E. Golf Links Road
Applicant: Rae S. Pak
City #026-04, located in Ward 4
Series #6
Action must be taken by: June 20, 2004

Staff Recommendation

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance

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

(c) Special Event(s)

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| (1) | TUCSON BREAKFAST LIONS CLUB
4823 S. 6 th Avenue
Applicant: Wayne F. Locke
City #T054-04, located in Ward 5
Date of Event: June 18, 2004
June 19, 2004
(Fundraiser-Entertainment) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks & Rec.: In Compliance |
| (2) | ST. DEMETRIOS GREEK
ORTHODOX CHURCH
1145 E. Ft. Lowell Road
Applicant: Peter A. Matiatos
City #T055-04, located in Ward 3
Date of Event: June 13, 2004
(Priest's Retirement Dinner) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

6. CONSENT AGENDA ITEMS A THROUGH E

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: AMENDING TUCSON CODE (CHAPTER 27) - RELATING TO AN INCREASE IN WATER RATES

- (a) Report from City Manager JUNE7-04-283 CITY-WIDE & OUTSIDE CITY
- (b) Hearing on the adoption of an increase in water rates
- (c) Ordinance No. 9979 relating to water; amending certain portions of the Tucson Code, Chapter 27, Article II, Rates and Charges, Section 27-31, Definitions; Section 27-32.1, Monthly Reclaimed Water Service Charges; Section 27-33, Monthly Potable Water Service Charges; and declaring an emergency.

The proposed ordinance includes a July 12, 2004 effective date.

9. PUBLIC HEARING: PROPOSED AMENDMENTS TO THE TUCSON CODE (CHAPTER 15) - RELATING TO REFUSE

- (a) Report from City Manager JUNE7-04-288 CITY-WIDE
- (b) Hearing on proposed amendments to the Tucson Code, Chapter 15, pertaining to refuse, recycling, code enforcement and landfill management.

This is an opportunity to allow the public to not only address the proposed code amendments but also to provide input to the Mayor and Council regarding the proposed Environmental Services Fee.

This proposed code change authorizes the establishment of a residential fee for collection services but does not establish the actual fee. Should the Mayor and Council wish to approve this action, a final Ordinance establishing a fee, as well as a separate Resolution setting a fee must be brought back for Mayor and Council consideration.

No action from the Mayor and Council is requested today. Formal adoption of this Ordinance, as well as possible adoption of the proposed Environmental Services Fee, have been tentatively scheduled for the meeting of June 14, 2004.

10. ZONING: (C9-98-08) WILMOT/I-10 PARTNERSHIP, SH, MH-2 AND C-2 TO MH-1, CHANGE OF CONDITIONS AND ORDINANCE ADOPTION

- (a) Report from City Manager JUNE7-04-287 W4
- (b) This is a request for a change of conditions for property located on the east side of Wilmot Road south of Interstate 10. Applicant: John A. Evans, P.E.

The original rezoning request was for MH-2 and C-2 zoning. The proposed ordinance covers only the portion of the rezoning originally proposed for MH-2 zoning. Authorization for the C-2 portion of the rezoning has expired.

When the preliminary development plan changed from a mobile home park project to a single-family subdivision (approved by Mayor and Council February 24, 2003), the originally authorized MH-2 zoning could not be used. The MH-2 zone does not allow development of site built homes using the Residential Cluster Project option, as proposed. Therefore, staff recommends adoption of an ordinance for MH-1 zoning. The MH-1 zone is a less intense zone than the originally authorized MH-2 zoning. In accordance with Mayor and Council direction, the requirement for private streets has been removed from the proposed ordinance. However, as proposed by the applicant, the development will be a gated community, thereby dictating the need for private streets.

- (c) Ordinance No. 9981 relating to zoning: amending rezoning conditions in the area located southeast of Wilmot Road and Interstate 10 in case C9-98-08, Wilmot/Interstate 10 Partnership – Interstate 10, SH, MH-2, and C-2 to MH-1; and setting an effective date.

The City Manager recommends that the proposed ordinance be adopted including the following conditions:

1. A development plan and/or subdivision plat, in substantial compliance with the preliminary development plan and the Environmental Resource Report, is to be submitted and approved in accordance with Section 5.3.8 and 4.1.1 of the *LUC*, including, but not limited to:
 - a. At least 10 feet of landscaping at the vegetation density required for street borders in the *Land Use Code* shall be required along all exterior boundaries of the project and between the C-2 and MH-2 sections. Preserving all natural vegetation in a strip at least 25 feet wide can substitute for this density requirement. Any vegetative areas to be preserved are to be fenced during construction to prevent encroachment.
 - b. New site-built homes shall feature a variety of rooflines, colors, hues, materials, and textures that are compatible with each other and with existing residential units in close proximity. CCR's addressing the above design standards, either graphic or written, shall be provided with the CDRC subdivision plat submittal.
 - c. Access to the C-2 portion shall be from the frontage road of Interstate 10 with provision for a future connection to the property to the west.
 - d. Canopy trees on both sides of the "spine road" from Interstate 10 to Wilmot Road spaced no more than 33 feet apart exclusive of intersecting roadways.

- e. The location of existing residential units shall be established by a survey stamped by a professional land surveyor.
- f. Lots adjacent to the existing residential units at the time of permit application shall be limited to one-story units.
- g. Sidewalks on one side of the street, substantially as depicted in the "Sidewalk Plan" dated February 3, 2003, are permitted if; 1) a minimum of one canopy tree is planted in the front yard of each new site-built home upon completion of construction and in the front yard of each existing residence, subject to acceptance by the resident homeowner, by August 3, 2003; 2) appropriate human scaled "carriage" lights or similar low-intensity lighting is installed in Phases II and III of the residential portion of the project.
- h. Parking on a minimum of one side of the street may be permitted if supplemented with 90° on-street multi-space parking bays distributed through-out Phases II and III of the residential portion of the project at a ratio of one space per every six (6) lots.
- i. ~~All streets shall be private.~~

- 2. The owner/developer shall install a center left turn lane on Wilmot Road to accommodate southbound left turns into the site; and shall install curb, sidewalk and one (1) lane of pavement along the Wilmot Road frontage of the property shall be installed or funds contributed (based on current improvement district costs) to an escrow account to cover the future improvement district costs for same, thereby satisfying the future improvement district obligations of the property.
- 3. If there is vehicular access to the I-10 frontage road, the owner/developer shall improve the I-10 frontage road to include a deceleration lane to accommodate eastbound right turns into the site, an acceleration lane to accommodate vehicles exiting the property to travel east, and curb and sidewalk along the I-10 frontage road frontage, as acceptable to the Arizona Department of Transportation. Vehicular access to the I-10 frontage road is not required.

If the property is subdivided, vehicular access to Hermans Road is required. The owner/developer shall improve Hermans Road along the entire frontage of the rezoning site with a minimum thirty-four (34) foot wide pavement section plus the north curb and sidewalk centered at 28 feet north of the centerline of right-of-way or as approved by the City of Tucson Department of Transportation. Improvements to Herman Road shall be completed prior to issuance of building permits for more than 200 homes, or more than half the total number of homes, which ever is the lesser.

4. The entrance on Wilmot Road shall be designed to prevent traffic backing up onto Wilmot Road. This may involve redesign to provide additional vehicle storage at the entrance. The gated access shall provide an appropriate turn-around area.
5. The owner/developer shall work with El Paso Natural Gas (EPNG) to improve the pipeline right-of-way as a multi-use type pedestrian and bicycle trail. Those improvements shall be included on the landscape plan. If no agreement is reached with EPNG, the landscape plan shall include a ten (10)-foot-wide landscaped buffer adjacent to the EPNG easement with a treatment consistent with the remainder of the site.
6. A drainage report, including details of retention/detention, shall be submitted and approved.
7. The U. S. Fish and Wildlife Service (USFWS) guidelines regarding the Cactus Ferruginous Pygmy-Owl shall be followed.
8. An archeological survey shall be performed as recommended in the report contained in the ERR. Archeological or cultural remains encountered during construction shall be mitigated in accordance with guidelines provided by the Arizona State Museum. Provide a note on the plat or plan and include in the CC&Rs that the Arizona State Museum shall be promptly contacted if any archeological or cultural remains are uncovered.
9. The need for a fair-disclosure statement in all rental and sales agreements notifying prospective tenants and owners of the proximity of the Federal Correctional Institute and Arizona State Prison Complex shall be evaluated at the time of a final plat or development plan and wording worked out between the applicant and staff before the case comes back to the Mayor and Council for final ordinance adoption.
10. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Those screen walls visible from the public right-of-way shall incorporate one 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. In addition, any continuous wall greater than 75 feet in length and 3 feet in height shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
11. “Safe by Design” concepts shall be incorporated in the development plan/subdivision plat for review by the Tucson Police Department.

12. All utilities shall be underground and within areas to be graded for the roadways, driveways, and building pads.
13. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
14. Compliance with all Code requirements and conditions of rezoning by August 3, 2008.
15. All vegetation ordinances of the City will be complied with even if it requires a redesign of the project and wildlife corridors must be included.

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Eighteen (18) written approvals and zero (0) written protests have been received.

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

11. ZONING: (C9-04-02) ST. PAUL'S CHURCH – BROADWAY BOULEVARD, RX-1 TO R-3, CITY MANAGER'S REPORT, AND ORDINANCE ADOPTION

- (a) Report from City Manager JUNE7-04-285 W2
- (b) Report from Zoning Examiner dated May 21, 2004
- (c) Request to rezone approximately 6.8 acres from RX-1 (Suburban Low Density Residential) to R-3 (High Density Residential) zoning. Applicant: Gordon Stone of Stantec Consulting on behalf of the property owner, St. Paul's Methodist Church. This is a request for an early ordinance adoption.

The rezoning site is located on the northwest corner of Broadway Boulevard and Maguire Avenue. The preliminary development plan proposes a 13,383 square foot multi-purpose building and a 16,163 square foot addition to the existing sanctuary on 6.8 acres.

The Zoning Examiner recommends approval of the R-3 zoning. The City Manager recommends authorization of R-3 zoning and adoption of the proposed rezoning ordinance subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated February 25, 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 proposed buildings/expansions shall be designed with four-sided architecture, with attention to architectural character and detail comparable to the front façade.
3. Outdoor uses such as loading zones, dumpsters, and drop-off areas shall be a minimum of fifty feet from any residentially used or zoned properties.
4. All outdoor lighting other than security lighting shall be full cut off lighting.
5. The landscape buffer along the full length of the northern property boundary shall include drought tolerant native canopy trees which shall be placed every twenty-five feet on center.
6. As part of a development plan approval, a minimum five-foot tall, decorative masonry wall shall be provided along the entire length of the northern property boundary. The wall detail shall be provided at time of Community Design Review Committee review.
7. Prior to a development plan approval, an appropriate striped cross-walk location shall be placed at the northeast corner of the site on Maguire Avenue as approved by the Development Services Department.
8. All structures shall be single story in height, except for the core section of the multi-purpose building, which is allowed a maximum height of 35 feet.
9. Hours of operation for daily activities shall be between the hours of 7:00 A.M. and 10:00 P.M.
10. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
11. The owner/developer is required to dedicate right-of-way for Maguire Avenue as required by the Department of Transportation.
12. Construction of full roadway improvements on Maguire Avenue shall consist of pavement widening to 24 feet, vertical curb, and five-foot wide sidewalk at back of curb.
13. Any existing curb cuts that will not be used for vehicular access shall be closed.

14. 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.
15. 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.
16. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
17. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Two (2) written approvals and zero (0) written protests have been received.

- (d) Ordinance No. 9980 relating to zoning: amending zoning district boundaries in the area located at the northwest corner of Broadway Boulevard and Maguire Avenue in case C9-04-02, St. Paul’s Church – Broadway Boulevard, RX-1 to R-3; and setting an effective date.

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

12. ZONING: (C9-03-24) ABRAMS/ACEDO – FOURTH STREET, R-1/R-2 TO R-2, CITY MANAGER’S REPORT

- (a) Report from City Manager JUNE7-04-281 W6
- (b) Report from Zoning Examiner dated May 7, 2004
- (c) Request to rezone approximately 1.45 acres from R-1/R-2 (Low Density Residential/Medium Density Residential) to R-2 (Medium Density Residential) zoning. Applicant: Eric Abrams of The Stanley Group on behalf of the property owners, Stanley Abrams and Richard Acedo of Fourth Street Guys, LLC.

The rezoning site is located on the south side of Fourth Street between Richey Boulevard and Dodge Boulevard. The preliminary development plan proposes 11 one and two-story single-family detached residences for a density of approximately 7.6 residences per acre using the Residential Cluster Project development option.

Planning Considerations: The main part of the rezoning site is a 427 foot by 132 foot rectangle running north-south on the south side of Fourth Street between Dodge Boulevard and Richey Boulevard. A 30 foot wide by 161 foot long strip of land provides access to Fifth Street. The site was previously developed with a single-family residence that has been removed. The rezoning site has split zoning with R-2 on the north approximately 300 feet of the site and R-1 zoning on the balance. If developed under the existing zoning, the rezoning site could be approved for nine or possibly ten residences, depending on the design of the project. Therefore, this rezoning is requested in order to build one or two more units than currently allowed.

The Zoning Examiner recommends approval of the R-2 zoning. The City Manager recommends approval of R-2 zoning subject to the following conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated March 25, 2004, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1 of the *Land Use Code*.
2. The owner/developer shall submit the proposed tentative plat and the development plan to the Miramonte Neighborhood Association no less than ten (10) days prior to the CDRC submittal. The applicant shall submit documentation confirming the neighborhood association submittal with the CDRC submittal.
3. The R-1/R-2 zoning line shall be shown on the tentative plat. Lots within existing R-1 zoning shall not exceed one story in height, not to exceed eighteen (18) feet.
4. The retention/detention area is to be designed as usable passive and/or active open space, to include at a minimum two (2) park benches. The sitting area must also be made handicapped accessible utilizing a minimum five (5) foot wide, all-weather path constructed of either asphalt or concrete, connecting to the internal pedestrian path/sidewalk of the subdivision.

5. Buildings and landscaping to be designed to be architecturally consistent with the surrounding area. Dimensioned elevation drawings with proposed colors and materials (consistent with those submitted as a part of the rezoning application) are to be submitted as a part of the development plan. Color photographs of surrounding properties are to accompany the tentative plat.
6. Free standing signs to be integrated into the overall landscape plan. Details of signs are to be submitted as a part of the development plan.
7. A six (6) foot tall wall shall be provided on the west property line.
8. All one story buildings shall be setback a minimum of 14 feet from the west property line. All two-story buildings shall be setback a minimum of 18 feet from the west property line.
9. All walls visible from streets 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.
10. Dedication, or verification of existence of right-of-way per the *Major Streets and Routes Plan* along the site frontage on 5th Street to a line 45 feet north of and parallel with the centerline of 5th Street.
11. Vehicular access to 5th Street shall be designed for one-way traffic southbound and include a diverter at the south end to only allow right turns onto 5th Street. The developer shall be responsible to provide the appropriate signage, including signage to limit access to 5th Street to emergency and service vehicles only.
12. Sidewalks, curb returns and curb access ramps shall be constructed as needed along 4th Street.
13. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.

14. 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.
15. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
16. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Two (2) written approvals and six (6) written protests have been received. Six of the protests are within the 150 foot protest area, representing a 37.8 percent protest by area to the east, a 37.2 percent protest by area to the south, a 12.2 percent protest by area to the west, and zero percent protest by area to the north. The protests generally allude to increased vehicular activity adjacent to existing residences, traffic safety, building heights, and views.

A simple majority vote is required to authorize this rezoning request. Because the protest level exceeds 20 percent to the east, and south, a three-fourths majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

13. BUILDING AND DEVELOPMENT: CONTINUING THE PUBLIC HEARING DATE FOR DEVELOPMENT IMPACT FEES FROM JUNE 14, 2004 TO SEPTEMBER 13, 2004

- (a) Report from City Manager JUNE7-04-286 CITY-WIDE
- (b) Extending the public hearing date to September 13, 2004 will give the stakeholders group and staff the time it needs to resolve substantive issues.

14. REDEVELOPMENT: APPROVAL TO EXECUTE AN AMENDMENT TO A COMMERCIAL LEASE AGREEMENT WITH COLTON PROPERTIES FOR THE REDEVELOPMENT OF THE CITY HALL ANNEX, 110 E. PENNINGTON

- (a) Report from City Manager JUNE7-04-273 W6
- (b) Resolution No. 19846 relating to development; authorizing the City Manager to execute a First Amendment to a Commercial Lease Agreement with Colton Properties, Inc. for the lease of 375 parking spaces in the Pennington Street Garage; and declaring an emergency.

15. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager JUNE7-04-280 CITY-WIDE

16. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, June 14, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.