



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]

- 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).

Spanish language interpreting assistance is available during the meeting. If you need assistance, contact the Council Reporter located near the front, right side of the Chambers.

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, address, whether you reside in the City of Tucson and whom you represent, before proceeding. Any person who is representing people 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".
- 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
Steve Leal – Vice Mayor

Council Members

José J. Ibarra **Ward 1**
Carol W. West **Ward 2**
Karin Uhlich **Ward 3**

Shirley C. Scott **Ward 4**
Steve Leal **Ward 5**
Nina J. Trasoff **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, JANUARY 10, 2006 – 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 Glenn Alden, Sunrise Chapel Swedenborgian

PLEDGE OF ALLEGIANCE – The Pledge will be led by Girl Scout Troop 992

PRESENTATIONS

- a. Presentation of Governor’s Future Innovation Award to Melissa Lamberton, Liz Baker, and Leslie Ash for outstanding scientific research and innovation
- b. Presentation of awards from the Arizona Department of Commerce to Allegra Print and Imaging and Carclo Technical Plastics for job training programs
- c. Presentation of certificates to the Palo Verde “Titans” Football Team for winning the 4A-II State Championship

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

- a. Report from City Manager JAN10-06-11 CITY-WIDE

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

- a. Report from City Manager JAN10-06-12 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

a. Report from City Manager JAN10-06-18 CITY-WIDE

b. Liquor License Applications

New License

1. CVS/Pharmacy #07855, Ward 4
2601 S. Houghton Road
Applicant: Jason Barclay Morris
Series 10, City 106-05
Action must be taken by: January 28, 2006

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 Museum of Art, Ward 1
140 N. Main Avenue
Applicant: Charlie E. Bodden
City T115-05
Date of Event: January 20, 2006
Exhibition Opening

Staff has indicated the applicant is in compliance with city requirements

2. It’s Happening Downtown Inc., Ward 6
400 E. Toole Avenue
Applicant: Donovan Dean Durband
City T116-05
Date of Event: January 21, 2006
Community Cultural Event

Staff has indicated the applicant is in compliance with city requirements

6. CONSENT AGENDA – ITEMS A THROUGH D

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. ZONING: (C9-05-23) HARKIN THEATERS – CALLE SANTA CRUZ, P-I TO C-3 CITY MANAGER’S REPORT

- a. Report from City Manager JAN10-06-14 WARD 1
- b. Report from Zoning Examiner dated November 18, 2005
- c. Request to rezone approximately 68.02 acres from P-I (Park Industrial) to C-3 (Regional Commercial) zoning. Applicant: Carl Winters, Planning Resources, on behalf of the Barclay Group.

The rezoning site is located on the east side of Calle Santa Cruz, south of Irvington Road. The applicant proposes to expand the existing “power center” to provide an additional 620,000 square feet of retail and related uses.

The *Santa Cruz Area Plan* and the *General Plan* provide land use policy direction for this area. Policies in the *Santa Cruz Area Plan* support related commercial services within existing neighborhoods with new development design and constructed to be compatible. Light industrial uses are also supported in this area along with a mixture of office and residential uses along major transportation corridors.

The Zoning Examiner and Development Services Department recommend approval of C-3 zoning. Should the Mayor and Council choose to approve the rezoning request, it is recommended that the following conditions be included:

1. A development plan in substantial compliance with the preliminary development plan dated August 29, 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. The roadway improvements required by these conditions are necessary traffic safety measures for the increased use of the property and are not capacity improvements of the arterial roadway system as provided in Tucson Code, Section 23A-87, and therefore do not qualify as offsets to road impact fees.
3. If the Mayor and Council adopt a policy to delay the approval of nonresidential rezoning cases prior to the effective date of impact fees as provided in Tucson Code, Section 23A-86, the owner/developer agrees to pay the equivalent of any such fees during all times prior to the effective date of nonresidential fees if this case is approved in advance of that effective date.
4. The owner/developer shall pay an in lieu fee to the City of Tucson for the impact of the nonresidential development that shall be the equivalent to the nonresidential impact fees specified in Section 23A-81 or the Tucson Code without regard to the delayed implementation date set forth in Section 23A-86 (2) of the Tucson Code.
5. The owner/developer shall construct six-foot wide sidewalk along the site frontage on Calle Santa Cruz.
6. Appropriate curb cuts, ramps, and path and trail slopes for accessibility shall be provided.
7. Category III Traffic Impact Analysis, including impacts to the I-19/Irvington interchange, shall be submitted and approved prior to development plan approval.
8. The owner/developer shall re-stripe Calle Santa Cruz from a four-lane section to a three-lane section with two, five-foot wide bike lanes. The re-striping shall extend from Irvington Road to Drexel Road.
9. All access points shall meet spacing requirements of the Access Management Guidelines.

10. The owner/developer shall design and construct the Santa Cruz River bank protection and lineal park amenities from Irvington Road to Drexel Road, as directed by the Tucson Department of Transportation and the Tucson Parks and Recreation Department as stated in the pre-development agreement approved by Mayor and Council.
11. The owner/developer shall construct a segment of the Santa Cruz Riverpark on the east and west banks of the Santa Cruz River extending from Irvington Road to Drexel Road. The Riverpark segment shall be constructed to the City/County Riverpark standard, to include a twelve-foot wide paved path, an eight-foot wide meandering trail, landscaping with native trees and shrubs, and an irrigation system. Specifications for the paved path is two-inch thick asphalt with three-inch thick compacted ABC base. Specifications for the trail are two-inch thick decomposed granite compacted to 95% over native sub-grade compacted to 95%. The specific design of the Riverpark shall include appropriate signage and lighting as determined in consultation with the City and County Parks Departments.
12. The owner/developer shall construct a rest area with a ramada, picnic table seating, landscaping and access to the Riverpark near the existing parking area on the west bank of the Santa Cruz River on the south side of Irvington Road. Specific design of the improvements of this area shall be subject to consultation between the owner/developer and the City and County Parks Departments.
13. Paths and trails shall be protected from wash flows, erosion, slope wash downs, drainage from adjacent streets and properties. Drainage shall be diverted away from paths and trails to designed culverts or pipe drainage under paths. Flows from the street or other collection areas shall be designed away from and underneath paths and trails.
14. All Riverpark, rest area and trail improvements shall be constructed according to City and County standards.
15. The Airport Wash pedestrian trail amenities shall include clusters of thornless native canopy trees along the full length of that portion of the Airport Wash located along the northern perimeter of the site. Pedestrian trail to include two pedestrian feature areas at appropriate locations to provide rest areas along the trail. Each rest areas to include a table and benches, that shall be located under a cluster of canopy trees, and a secured trash bin. Decomposed granite shall not exceed 25 percent of the ground cover material within the Airport Wash pedestrian trail system.

16. The Airport Wash pedestrian trail system, crossing at Calle Santa Cruz shall include a crosswalk surface with surface relief type design, and crosswalk to be located within a signalized vehicular intersection, which includes a pedestrian activated signal.
17. Prior to a development plan approval, an agreement is required from the Department of Pima County Parks and Recreation and the Department of the City of Tucson Parks and Recreation on the Airport Wash pedestrian trail system and the Santa Cruz River Linear Park requirements.
18. Building elevations visible from Interstate-19 and Calle Santa Cruz shall be designed with architectural character and detail comparable to the main entrance of the existing buildings in Phase I. Consistent design treatments, including but not limited to, comparable color palette, signs, rooflines, and trim materials shall be provided. Phase II shall be compatible in color theme and design elements, as used in Phase I.
19. All loading zones, dumpsters, service bay doors, and other unsightly noise-generating elements shall be located so as to be screened by masonry walls or landscape material of equal height or greater as element(s) being screened to mitigate potential visual, odor, and noise impacts.
20. Phase II shall be architecturally compatible relating to design and color palette with Phase I of the Tucson Spectrum Power Center.
21. On-site PAALS connecting Phase I and Phase II shall be of adequate width and design to minimize vehicular congestion and allow through traffic and intersecting traffic to flow with minimal stacking.
22. Parking area access lanes (PAALs) shall be located away from heavily traveled pedestrian areas such as in front of anchor and major stores.
23. The owner/developer shall construct a landscaped ten-foot wide compacted decomposed granite pedestrian trail within a dedicated minimum 20-foot wide public access easement along the Airport Wash. Specifications for the trail are two-inch thick decomposed granite compacted to 95% over native sub-grade compacted to 95%.
24. Landscaping along the east side of Calle Santa Cruz shall be compatible with the Riverpark and include only native trees and shrubs.

25. The landscape border area along the western perimeter, between Calle Santa Cruz and the rear façade of buildings with loading zones, dumpsters, and service bay doors shall include a canopy tree every twenty-five feet on center, and include embellished undergrowth landscape material to screen such utility uses.
26. The landscape border area along the western perimeter, between Calle Santa Cruz and the buildings with the main entrances fronting Calle Santa Cruz shall provide clustering of canopy trees to provide view corridors and enhance exposure of area to customers. Landscape material may include embellished low growth floral and small canopy trees such as acacia trees.
27. The landscape border area along the western perimeter, between Calle Santa Cruz and buildings with the main entrances fronting Calle Santa Cruz may include a low profile perimeter masonry wall section to provide view corridors and enhance exposure of area to customers.
28. The landscape border along the eastern property boundary (except within well site area), located between the rear façade of buildings and Interstate-19, shall include a canopy tree every 25-feet on center to screen loading zones, dumpsters, and service bay doors.
29. The pedestrian feature area located in front of Anchor B (theater), between Shops B and C, shall include mini-clusters of thornless native canopy trees to promote a microclimate oasis for pedestrians and patrons of the theater.
30. A sign program shall be designed with common elements and a common range of colors for Phase II. Sign program to include the perimeter pylon signs.
31. The owner/developer shall provide an Airport Disclosure Statement to run with the land, as required by the Tucson Airport Authority (TAA).
32. 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.
33. Four (4) inch fence block shall not be used for perimeter walls.

34. 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.
35. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
36. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
37. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
38. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

9. UTILITY SERVICES: LOW-INCOME UTILITY BILL ASSISTANCE PROGRAM (CONTINUED FROM THE MEETING OF JANUARY 4, 2006)

- a. Report from City Manager JAN10-06-19 CITY-WIDE AND 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.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager JAN10-06-15 CITY-WIDE

11. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, January 18, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.