



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, FEBRUARY 28, 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 – Pastor Scott Richards, Calvery Fellowship

PLEDGE OF ALLEGIANCE – Flowing Wells High School JROTC will present the flags of the United States of America, State of Arizona, and City of Tucson after which Cadet Captain Murrick will lead the Mayor, Council and audience in the Pledge of Allegiance

PRESENTATIONS

- a. Presentation to four outstanding teachers from Pima County who received the Rodel Exemplary Teacher Initiative Award
- b. Presentation to the Sun Tran “Distinguished Employee Team of 2005”
- c. Presentation to the Rotary Club of Tucson for its commitment to the Rotary Reading Seed Center

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

- a. Report from City Manager FEB28-06-86 CITY-WIDE

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

- a. Report from City Manager FEB28-06-87 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager FEB28-06-85 CITY-WIDE
- b. Liquor License Applications

New License

1. Belushe's Bar & Grill, Ward 6
1118-20 E. 6th St.
Applicant: Maria Socorro Vargas De Limon
Series 12, City 02-06
Action must be taken by: March 6, 2006

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

2. Saigon Cafe Restaurant, Ward 6
4210 E. Speedway
Applicant: Betty Ann Scott
Series 12, City 05-06
Action must be taken by: March 13, 2006

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

3. Pizzazz! Pizza Bistro, Ward 3
1763 E. Prince Rd.
Applicant: Seth Peter Holzman
Series 12, City 06-06
Action must be taken by: March 18, 2006

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

4. Birrieria El Oso, Ward 5
4401 S. 6th Ave.
Applicant: Jose D. Gonzalez Casteñeda
Series 12, City 08-06
Action must be taken by: March 20, 2006

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

PUBLIC OPINION: PROTEST FILED

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)

Person Transfer

5. Belushe's Bar & Grill, Ward 6
1118-20 E. 6th St.
Applicant: Maria Socorro Vargas De Limon
Series 07, City 03-06
Action must be taken by: March 6, 2006

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

6. Comfort Suites of Tucson, Ward 2
7007 E. Tanque Verde Rd.
Applicant: Jaiprakashkumar C. Patel
Series 06, City 04-06
Action must be taken by: March 11, 2006

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

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

Person/Location Transfer

7. Stogie and Vine, Ward 2
2920 N. Swan Rd. #114
Applicant: Jeffrey Jon Parker
Series 06, City 01-06
Action must be taken by: March 5, 2006

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

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event

1. Southern Arizona Homebuilders Association, Ward 6
1303 University Blvd.
Applicant: Tony Mellor
City T119-05
Date of Event: April 27, 2006
Raise Funds to Benefit the Arizona Arthritis Center

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

2. Kokopelli Winery, Ward 6
536 N. 4th Ave.
Applicant: Dennis Michael Minchella
City T122-05
Date of Event: March 24-26, 2006
4th Avenue Street Fair

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

3. Kokopelli Winery, Ward 6
536 N. 4th Ave.
Applicant: Dennis Michael Minchella
City T123-05
Date of Event: December 8-10, 2006
4th Avenue Street Fair

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

4. St. Patrick's Day Parade of Tucson, Ward 1
101 N. Stone Ave.
Applicant: Andrew Jacob Brown
City T04-06
Date of Event: March 18, 2006
Promote and Celebrate Irish Culture and Heritage

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

- d. Agent Change

NOTE: There are no agent changes scheduled for this meeting.

6. CONSENT AGENDA – ITEMS A THROUGH N

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: ZONING (C9-75-04) DECONCINI – SPEEDWAY BOULEVARD, C-1 ZONING, ORDINANCE ADOPTION, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN

- a. Report from City Manager FEB28-06-98 WARD 2
- b. Hearing on a request for a change of rezoning conditions and a change of preliminary development plan. Applicant: Robin Valenzuela of the Planning Center, on behalf of the property owner, Jim Campbell of OT Escalante, LLC.

The revised preliminary development plan and change of conditions would allow the development of 32 one- and two- story single-family residences on 5.1 acres and a 30,000 square foot commercial building pad on 2.6 acres.

Staff recommends approval of the requested change of the preliminary development plan and change of conditions subject to the recommended conditions in the ordinance.

- c. Ordinance No. 10253 relating to zoning: amending rezoning conditions in the area located on the northeast corner of Speedway Boulevard and Harrison Road in Case No. C9-75-04, DeConcini – Speedway Boulevard, C-1 zone; and declaring an emergency.

Two (2) written approvals and twenty-five (25) written protests have been received for the original commercial development. The original ordinance required a three quarter (3/4) majority vote to adopt, therefore this change of preliminary development plan and conditions of rezoning will still require a three quarter (3/4) majority vote to adopt the new ordinance.

The proposed change of preliminary development plan and change of conditions is consistent with and supported by policies in the Pantano *East Area Plan* and the *General Plan*. The conditions have been updated to meet current City standards and to reflect the

proposed change of the preliminary development plan. Additional conditions have been included to ensure compliance with *Plan* policies and to provide compatibility with adjacent residential construction.

Amended Conditions:

1. The residential portion of the proposed development shall be subject to submittal of a subdivision plat in substantial compliance with the preliminary development plan dated November 1, 2005, and the Design Compatibility Report, in accordance with the requirements of the *Land Use Code*.
 - a. The subdivision plat shall include all property associated with the original rezoning case.
 - b. Lots 1, 6 through 14, 23 and 32 as shown on the preliminary development plan shall be limited to one-story units with a maximum building height of eighteen (18) feet as measured from design grade to the highest peak of the roof. Two-story units shall be limited to a maximum building height of twenty-eight (28) as measured from design grade to the highest peak of the roof.
 - c. The neighborhood recreation area in the southeast corner of the property will be comprised of a ramada, a barbeque and potentially a tot lot. The area shall have a key entry to control access to only homeowners' association members and will be enclosed by a minimum five-foot wall with a two-foot wrought iron security extension along the top of the wall to separate the recreation area from adjacent properties.
 - d. Fifteen-gallon canopy trees shall be planted on every other lot no more than 10 feet from the back of the sidewalk.
 - e. Community trash receptacles (dumpsters), if utilized, shall be located a minimum fifty (50) feet from any residentially developed property.
 - f. Water harvesting techniques shall be utilized by conveying all rooftop runoff into landscaped areas before being discharged off-site.
 - g. Design and construction of the east half of Harrison Road according to the MS&R and/or Transportation Department guidelines. Said improvements shall include additional paving, curbs, and six (6) foot wide sidewalks along the site frontages of said roadways.
 - h. Submit a Category I Traffic Impact Analysis for the proposed residential portion of this development.

- i. All improvements must be installed on the east half of Harrison Road adjacent to the residential portion of the project at the time of construction of the residential portion of this development.
2. The future commercial portion of the proposed development shall be subject to the review and approval of a separate Development Plan and shall be subject to the following conditions:
 - a. Maximum 30,000 square foot gross floor area.
 - b. Maximum building height of twenty (20) feet as measured from design grade to the highest peak of the roof.
 - c. Minimum fifty (50) foot building setback adjacent to residential development.
 - d. Architectural style and detail on the rear and sides shall be comparable with that on the front and designed with a southwest motif. Dimensioned elevation drawings with proposed colors (predominant in the natural desert landscape) and materials are to be submitted as part of the development plan process.
 - e. All exterior mechanical equipment shall be screened from view from adjacent development and street frontages, and it shall be architecturally integrated into the overall design of the development.
 - f. Internally lighted signs shall not face toward adjacent residential lots.
 - g. All loading zones and trash receptacle areas shall be screened and located a minimum fifty (50) feet from residentially developed property.
 - h. A TIA shall be prepared at such time when the commercial portion is developed.
 - i. Dedicate, or verify existence of, right-of-way on the frontage of Speedway Boulevard and Harrison Road per the MS&R, including intersection widening.
 - j. One new access shall be permitted in addition to the single existing access on Speedway Boulevard. Said access on Speedway Boulevard shall meet the spacing requirements as stated in the Access Management Guidelines.
 - k. Design and construction of the north half of Speedway Boulevard and the east half of Harrison Road according to the Major Streets and Routes Plan and/or Transportation Department guidelines. Said improvements shall include additional paving, curbs, and six (6) foot wide sidewalks along the

site frontages of said roadways. Additionally, said improvements shall include any necessary signal modifications.

1. All improvements must be installed on the east half of Harrison Road and the north half of Speedway Boulevard adjacent to the commercial portion of the project prior to the issuance of the first Certificate of Occupancy.
- m. Contribute a fair share portion not to exceed \$62,500.00 for future signal improvements at the intersection of Harrison Road and Speedway Boulevard at the time of construction of the commercial portion of this development. In the event that commercial development is phased, the fair share portion for each phase shall not exceed the pro rata share of the commercial land area utilized as part of each phase of the development. Fair share contributions for signal improvements shall qualify as an offset to road impact fees.
3. The access points on Harrison Road will be dictated by the traffic impact analyses for both the residential and commercial portions of the development.
4. 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.
5. 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.
6. Four (4) inch fence block shall not be used for perimeter walls.
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/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.

8. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
9. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

9. PUBLIC HEARING: ZONING (C9-00-23) RITA 244 LLC – RITA ROAD, RX-1, I-1 AND I-2 TO C-2 AND I-1, REQUEST FOR TIME EXTENSION, ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF JANUARY 18, 2006)

- a. Report from City Manager FEB28-06-100 WARD 4
- b. Hearing on a request for a five-year time extension to allow the completion of the zoning conditions. Applicant: Linda Morales of The Planning Center, on behalf of Diamond Ventures, the property owner.

The rezoning site is located north of Interstate 10, on the east side of Rita Road and south of the Julian Wash. The preliminary development plan indicated a 795,000 square foot employment campus on 99 acres and 270,000 square feet of commercial uses on 35 acres.

The Tucson *Land Use Code (LUC)* requires a public hearing on any request that would extend the time more than five (5) years from the date of the last public hearing. The last public hearing for this case was held on October 23, 2000, therefore a new public hearing is required. No extension beyond ten (10) years from the original date of approval is permitted by the *LUC*. If the time extension is granted by the Mayor and Council, this case will reach the ten-year limit on October 23, 2010.

Staff recommends approval of the time extension from October 23, 2005 to October 23, 2010, and adoption of the rezoning ordinance as presented.

- c. Ordinance No. 10255 relating to zoning: amending Ordinance No. 9626 to extend the period of compliance from October 23, 2005 to October 23, 2010 for the area located on the east side of Rita Road north of Interstate 10 in Case No. C9-00-23, Rita 244 LLC – Rita Road, I-1, I-2, and RX-1 to C-2 and I-1, and declaring an emergency.

One (1) written approval and zero (0) written protests have been received for this case.

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

10. PUBLIC HEARING: TUCSON CODE – AMENDING (CHAPTER 23), THE LAND USE CODE; REGARDING PAYDAY LENDING AND OTHER SIMILAR FACILITIES

- a. Report from City Manager FEB28-06-94 CITY-WIDE
- b. Hearing on a proposed amendment to the Tucson Code, Chapter 23, the *Land Use Code (LUC)* to control the concentration of payday lending facilities within the City limits and to be consistent with similar ordinances adopted by Tucson area jurisdictions. The proposed *Land Use Code* amendment includes the following:
 - Definition of the use that includes check-cashing services, loans for payment of a percentage fee, deferred presentment and auto title lenders.
 - Limits the use to the C-2 and C-3 (Commercial) zones subject to criteria.
 - Approval through a special exception process.
 - Subject to a separation between facilities of 1320 feet and 500 feet of separation between the facility and residential zones.
- c. Ordinance No. 10252 relating to Planning and Zoning; amending certain portions of the Tucson Code, Chapter 23, Land Use Code, Article II, Zones, Division 2, Rural Residential Zones, Division 5, Commercial Zones; Division 6, Mixed Use Zones, and Division 7, Industrial Zones, Article III, Development Regulations, Division 5, Performance Criteria; Article VI, Definitions, Division 2, Listing of Words and Terms, Division 3, Land Use Groups; and setting an effective date.

City Staff recommends approval of the proposed amendment to the *Land Use Code*.

11. TUCSON CODE: AMENDING (CHAPTER 23A) RELATING TO IMPLEMENTATION AND COLLECTION DATE FOR NONRESIDENTIAL DEVELOPMENT IMPACT FEES

- a. Report from City Manager FEB28-06-103 CITY-WIDE
- b. Ordinance No. 10256 relating to Development Impact Fees; repealing Ordinance 10095 and amending Article III, Impact Fees, Division 2, Fee Calculation, Section 23A-86, Assessment and Payment of Fees in order to re-establish the effective dates for nonresidential impact fees and to provide a phase in period for pending projects; and amending Article IV, Definitions, Division 2, List of Words and Terms, Section 23A-129, Definitions – S of Chapter 23A, Development Compliance Code, the Tucson Code; establishing an effective date and declaring an emergency.

Staff has provided two options for collection of nonresidential impact fees. (The Title for both options of the ordinance is the same.).

Certificate of Occupancy Option: This option provides for payment of impact fees at the time of issuance of a Certificate of Occupancy. This is the method originally adopted by the Mayor and Council.

Building Permit Option: This option provides for payment of impact fees at the time of issuance of a building permit, which is when residential impact fees are paid. This is the option preferred by staff from an administrative standpoint.

If adopted, the ordinance will modify the phasing in period for assessment and collection of nonresidential development impact fees, and will modify when the nonresidential impact fees are due and payable. Imposition of impact fees for nonresidential development will begin on July 15, 2006 at a rate of 50% of the total fee, with the full fee going into effect January 16, 2008.

12. TUCSON CODE: AMENDING (CHAPTER 7), RELATING TO THE REGULATION OF SCRAP METAL AND SECONDHAND DEALERS

- a. Report from City Manager FEB28-06-101 CITY-WIDE
- b. Ordinance No. 10254 relating to Pawnbrokers, Secondhand Dealers and Junk Dealers; amending title of Chapter 7, Article V of the Tucson Code to refer to Scrap Metal Dealers; amending definitions; providing for regulation and reporting of scrap metal transactions; amending duty to report receipt of specified items to police; amending prohibited acts; and providing grounds for denial and revocation of license; by amending Chapter 7, Article V, Sections 7-97, 7-98, 7-99, 7-102 and 7-103; adding new Sections 7-115 and 7-116; establishing an effective date and declaring an emergency.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager FEB28-06-88 CITY-WIDE

14. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, March 7, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.