



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

**THURSDAY, JULY 6, 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 David Stertzbach, Bethel Baptist Church

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATION

- a. Presentation of awards from the Arizona Department of Commerce to local businesses for job training programs.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager JULY6-06-368 CITY-WIDE

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

- a. Report from City Manager JULY6-06-369 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager JULY6-06-355 CITY-WIDE
- b. Liquor License Applications

New License

- 1. The Auld Dubliner, Ward 6
800 E. University Blvd. #104
Applicant: Kevin Arnold Kramber
Series 12, City 60-06
Action must be taken by: July 24, 2006

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

- 2. Sport's on Congress, Ward 6
254 E. Congress St.
Applicant: Elijah Louis Berlin
Series 12, City 61-06
Action must be taken by: July 29, 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)

Person Transfer

- 3. Albertson's #964, Ward 2
9595 E. Broadway Blvd.
Applicant: Glenn Allen Edmondson
Series 09, City 62-06
Action must be taken by: July 31, 2006

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

- 4. Albertson's #963, Ward 2
6600 E. Grant Rd.
Applicant: Glenn Allen Edmondson
Series 09, City 63-06
Action must be taken by: July 31, 2006

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

5. Albertson's #959, Ward 4
6363 E. 22nd St.
Applicant: Glenn Allen Edmondson
Series 09, City 64-06
Action must be taken by: July 31, 2006

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

6. Albertson's #961, Ward 3
2854 N. Campbell
Applicant: Glenn Allen Edmondson
Series 09, City 65-06
Action must be taken by: July 31, 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)

c. Special Event

NOTE: There are no applications for special events scheduled for this meeting.

d. Agent Change

1. Mimi's Cafe, Ward 3
4420 N. Oracle Rd.
Applicant: Michael Jonathon Vinik
Series 12, City AC14-06
Action must be taken by: July 29, 2006

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

2. Mimi's Cafe, Ward 6
120 S. Wilmot Rd.
Applicant: Michael Jonathon Vinik
Series 12, City AC15-06
Action must be taken by: July 29, 2006

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

3. Sabbar Shrine Temple, Ward 6
450 S. Tucson Blvd.
Applicant: Gerald Leroy Welch
Series 14, City AC16-06
Action must be taken by: August 5, 2006

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

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. CONSENT AGENDA – ITEMS A THROUGH V

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: CHANGE OF PROJECT SCOPE – NORTHSIDE COMMUNITY PARK

- a. Report from City Manager JULY6-06-372 WARD 3

- b. Hearing on a request by the City of Tucson for the Pima County Board of Supervisors to modify the Northside Recreation Project and amend the 2004 Pima County Bond Implementation Ordinance. The City requests a change to the scope of the project to reflect the City of Tucson's proposal to build a recreation center on Pima County acquired land adjacent to the Rillito Regional Park. The overall cost of the project has not changed.
- c. Resolution No. 20389 relating to parks; requesting the Pima County Board of Supervisors modify the Northside Recreation Project contained in the 2004 Pima County General Obligation Bond Program; and declaring an emergency.

9. PUBLIC HEARING: REALLOCATION OF PIMA COUNTY BOND FUNDING FROM THE ATTERBURY WASH SANCTUARY PROJECT TO THE PANTANO RIVER PARK

- a. Report from City Manager JULY6-06-371 WARD 2 AND 4
- b. Hearing on a request by the City of Tucson for the Pima County Board of Supervisors to reallocate \$800,000 in Pima County 2004 Bond Funds from the Atterbury Wash Sanctuary Project to the Pantano River Park Project.
- c. Resolution No. 20390 relating to parks; requesting the Pima County Board of Supervisors reallocate \$800,000 in 2004 Pima County General Obligation Bond Funds from the Atterbury Sanctuary Wash Project to the Pantano River Park Project; and declaring an emergency.

10. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 27), RELATING TO AN INCREASE IN WATER RATES

- a. Report from City Manager JULY6-06-381 CITY-WIDE & OUTSIDE CITY
- b. Hearing on the adoption of an increase in water rates.
- c. Ordinance No. 10305 relating to water; amending certain portions of the Tucson Code, Chapter 27, Water, 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; Section 27-54, Returned checks; and declaring an emergency.

The proposed ordinance includes an August 7, 2006 effective date.

11. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 21), RELATING TO AN INCREASE OF REID PARK ZOO ADULT ADMISSION FEES

- a. Report from City Manager JULY6-06-380 CITY-WIDE
- b. Hearing on a proposal to increase Reid Park Zoo adult admission fees by \$1.00 effective August 1, 2006.
- c. Ordinance No. 10304 relating to parks and recreation; increasing Reid Park Zoo admission fees by amending Chapter 21, Section 21-51, of the Tucson Code; providing an effective date for the increase; and declaring an emergency.

12. ZONING: (C9-05-32) HERMAN MARK HOMES – 29TH STREET, RX-1 TO R-1, CITY MANAGER’S REPORT (CONTINUED FROM THE MEETING OF JUNE 20, 2006)

- a. Report from City Manager JULY6-06-382 WARD 2
- b. Report from Zoning Examiner dated May 19, 2006
- c. Request to rezone approximately 5.26 acres from RX-1 (Suburban Low-density Residential) to R-1 (Urban Low Density Residential) zoning. Applicant: Don Laidlaw, on behalf of the property owners, Gregory Marantz and Timothy Steiniger of Herman Mark Homes.

The rezoning site is located on the northwest corner of 29th Street and Harrison Road.

The *Pantano East Area Plan* and the *General Plan* provide land use policy direction for this area. Policies in the *Pantano East Area Plan* encourage the development of a variety of housing types, preservation of established neighborhoods, promotion of residential in-fill of vacant land, and ensure the compatibility of new development with existing land uses. The applicant’s proposal to construct 26 single-family residences on the site is in keeping with the policies in the *Plan* and the surrounding land uses. Elevations and typical building envelopes should be provided at the time of development plan (PDP) review to demonstrate compatibility. All other lots within the development will be accessed from a new internal street.

The Zoning Examiner held public hearings on March 9, 2006, April 6, 2006, and May 4, 2006, on behalf of the Mayor and Council. The zoning Examiner recommends authorization of R-1 zoning, and the deletion of condition 12 as presented at the Zoning Examiner’s public hearing on May 4, 2006.

Staff recommends authorization of R-1 zoning subject to certain conditions, including a revised condition 12. Should the Mayor and Council choose to approve the rezoning request, staff recommends that the following conditions be included:

The following recommended conditions are based on the new and revised conditions presented to staff prior to the Mayor and Council meeting on June 20, 2006. Within the recommended conditions, new text is underlined, deleted text is ~~strikethrough~~.

1. A subdivision plat in substantial compliance with the revised preliminary development plan dated April 6, 2006, 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 design and construct the remaining sidewalks along the site frontage.
3. There shall be a maximum of one access point to the site from Harrison Road.
4. A one-foot no vehicular access easement shall be recorded for lots along the east property line on the Harrison Road frontage.
5. The owner/developer shall install one mature native canopy tree of no less than a 36 inch box size, with a minimum canopy height of eight feet, within ten feet of the rear property line for lots along the north boundary of the subdivision.
6. The owner/developer shall install one mature native canopy tree of no less than a 36 inch box size, with a minimum canopy height of eight feet, within ten feet of the front property line for lots along 29th Street.
7. The owner/developer shall install one native canopy tree within ten feet of the front property line, on every other lot fronting on 28th Street.
8. A six-foot high decorative masonry wall shall be constructed along the full length of the west property boundary, (except where a locked gate is required for maintenance and safety) along the north property line; (except at the location of the landscape preserve area shown on the preliminary development plan dated ~~March 14~~April 6, 2006) and on adjacent lots along the east boundary of the subdivision.

9. Natural landscape preserve area shall be secured along the north and east perimeter property lines, by an ornamental wrought iron or like design, or other type of open fencing (excluding chain link, and field fencing), as approved by the Department of Transportation, Flood Control Section.
10. The Natural Landscape Preserve area shown on the development plan dated March 14, 2006 shall be augmented to fill under vegetated or disturbed/graded areas, with native canopy trees, native shrubs and plants and a desert mix of hydro seeding.
11. Proposed privacy walls for lots located adjacent to a detention/retention basin, or the natural/landscape areas, shall be constructed as view walls.
12. ~~Along 28th Street, adjacent to the natural preserve/detention area, provide a rest station (shade tree & bench) and five feet tall wrought iron fence. Wrought iron fence shall include a secured pedestrian gate and a maintenance gate to allow access to the detention basin and Robb Wash channel, as approved by the Department of Transportation. Access shall be designed to minimize disturbance to the natural preserve area. A five foot tall wrought iron fence shall be provided along the north and east property lines and the east 25 feet along 28th Street adjacent to the landscape preserve. Along 28th Street, adjacent to the landscape preserve and detention basin, a rest station (shade tree and bench) shall be provided.~~
13. The total number of lots shall be 26.
14. There shall be a maximum of eight (8) lots, with a minimum width of 70 feet, accessing 29th Street directly as well as no vehicular access to/from 29th Street from any lots fronting 28th Street.
15. Only side-entry garages shall be erected along the 29th Street frontage.
16. All units shall be restricted to single-story and/or a maximum of 20 feet in height. The maximum building height for the homes and structures shall not exceed 15 feet except that portions of the building may be increased to 17 feet 6 inches, provided higher portion of the roof shall not exceed forty percent of the linear frontage of the front building wall, and not exceeding forty percent of the roof area. All heights shall be measured from the finished floor. In pitched roof areas, the top of the structure will be measured to the finished roof surface of the highest ridge or peak. In area where the roof is flat, the height shall be measured to the finished top of the enclosing parapet wall.

17. The owner/developer shall contact the City of Tucson Traffic Engineering Division prior to design and installation of traffic calming improvements and prior to issuance of Certificates of Occupancy for lots one, through nine. These traffic mitigation devices shall be installed as determined by the Neighborhood Traffic Management Program.
18. All units visible from the street frontages shall be sited so that no two adjoining lots have the same building elevations or color schemes. Roof materials shall be of textures and colors that compliment the body of the residences' color and texture. Structures shall incorporate traditional desert architecture which emphasizes horizontal elements of walls. Where pitched roof elements are included, they shall be finished with visually aesthetic materials including flat tile, rounded tile, or metal. Roofing materials similar to those found on adjacent development should be used and All mechanical equipment shall be screened from the street and adjacent uses. ~~To confirm/document compliance with the intent of this condition, elevations of models shall be submitted at time of subdivision plat review.~~
19. 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.
20. Perimeter walls shall be constructed of masonry block more than four inches in width.
21. Non-structure walls that are visible from the front of properties on 29th Street shall be constructed from the same (or complimentary) materials as the structure walls, but favoring predominately masonry construction.
22. The predominant exterior wall surfaces on all structures on 29th Street shall be masonry, masonry veneers, frame stucco, rock and rock veneers, as per percentages represented in the conceptual streetscape presented 5/2/06 attached hereto.
23. Exterior colors shall be generally subdued, muted earth tones or exposed masonry elements, with the exception that colored accent features, judiciously used, are permitted.
24. To confirm/document compliance with the intent of conditions 8, 16, 18, 21, 22, and 23, elevations of models shall be submitted to the Development Review Board (DRB) prior to tentative plat approval.

25. 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.
26. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
27. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin side slopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
28. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
29. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
30. All security barriers and screening for detention/retention basins shall meet Safe by Design guidelines.
31. 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.
32. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
33. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
34. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Seventeen (17) written approvals and six (6) written protests were received for this case prior to the Zoning Examiner's public hearing on May 4, 2006 at that time requiring a simple majority vote of Mayor and Council to adopt a rezoning ordinance. Three (3) of the protests are within the 150 foot area, representing a 16.9 percent protest by area to the south, 13 percent protest by area to the east, 2.5 percent protest by area to west, and zero percent by area to the north. The protests generally allude to increase in traffic, increase in density, and incompatible building design.

Because the protest level within 150 feet of the rezoning site is less than 20 percent in all four quadrants surrounding the site, a simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

13. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager JULY6-06-367 CITY-WIDE

14. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Tuesday, August 8, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.